

Ex. 3

Beaufort County Adopts Testimony:

Topic 19: Each Action Taken by the County in Response to Allegations Concerning Beckert's Conduct, Including the Specific Action Taken, the Date Each Action was Taken and the Identity of the Person(s) Involved in Each Action



Deposition of:
Robert Bechtold

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Robert Bechtold
Holland, Aliciav. Beaufort County et al

April 8, 2021

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<p>1 that falls under my charge also had a complaint.</p> <p>2 Q. And who was that?</p> <p>3 A. That was our -- I'm sorry, I don't know</p> <p>4 why I'm drawing a blank right now. If I could just</p> <p>5 have a second. That was our assessor.</p> <p>6 Q. Ebony Sanders?</p> <p>7 A. Ebony Sanders.</p> <p>8 Q. What did you learn about Ebony Sanders'</p> <p>9 issues with Jim Beckert?</p> <p>10 A. That she filed -- again, I'm really not</p> <p>11 certain, other than that she filed a complaint</p> <p>12 against it -- against him. I don't know how it was</p> <p>13 done or other than -- I believe -- I'm really not</p> <p>14 certain. I read it in something and before, and</p> <p>15 this would have been after, you know, I was</p> <p>16 directed to help move the office and everything. I</p> <p>17 don't remember if it was the paper or if it was --</p> <p>18 but I didn't know prior to that.</p> <p>19 Q. Did you have any involvement in</p> <p>20 investigating the complaint filed by Ebony Sanders?</p> <p>21 A. No.</p> <p>22 Q. Did you ever attend any meetings or</p> <p>23 accompany Ashley Jacobs to any meetings between her</p> <p>24 and Jim Beckert?</p> <p>25 A. No. I don't -- no, I don't believe I</p>	<p>1 Q. Do you recall what month it was in?</p> <p>2 A. I believe it was in the Fall. I mean,</p> <p>3 really, I believe it was sometime in the Fall.</p> <p>4 Q. When you met with Ash- -- I mean, with</p> <p>5 Jim Beckert about moving his office, tell me about</p> <p>6 any conversations you had with him, other than him</p> <p>7 asking you to do it outside of operational hours.</p> <p>8 A. I mean, it -- it was insignificant, so</p> <p>9 I mean, nothing specific. That was the only</p> <p>10 request that he made that -- that stuck out to me</p> <p>11 because I had gone over there to coordinate that</p> <p>12 with him and so...</p> <p>13 Q. And did he ask you why he was being</p> <p>14 asked to move?</p> <p>15 A. I have -- I mean, I have no idea. This</p> <p>16 is a, again, 46 departments in my daily activities,</p> <p>17 I don't know that it's possible for me to retain</p> <p>18 that, so I don't specifically know.</p> <p>19 Q. Did he seem to object to having to move</p> <p>20 offices?</p> <p>21 A. He did. In fact, I mean, ultimately,</p> <p>22 he did. So, I don't remember. I mean, again, I</p> <p>23 don't know really the context of the conversation.</p> <p>24 I was there to execute something, you know, a</p> <p>25 directive and so I went, communicated what I needed</p>
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<p>1 have ever been in the same room. I don't -- I</p> <p>2 don't think so, no.</p> <p>3 Q. At some point in time you were involved</p> <p>4 in moving the -- the auditor -- the auditor's</p> <p>5 office?</p> <p>6 A. I was.</p> <p>7 Q. Tell me about that.</p> <p>8 A. I -- Ashley, I believe it was verbally</p> <p>9 or otherwise, she asked me to find a place for him</p> <p>10 outside of the main administrative building and I</p> <p>11 don't know if it was my decision or hers</p> <p>12 ultimately, but I found a place down there at</p> <p>13 records management. And I went over to see</p> <p>14 Mr. Beckert and let him know that we found an</p> <p>15 alternate location for him. And he -- he had</p> <p>16 requested that if it were done, if he could have it</p> <p>17 done outside of normal operational hours. And I</p> <p>18 said sure. And then I had a crew come over and</p> <p>19 help move all of the stuff down to the records</p> <p>20 management building to the ultimate location.</p> <p>21 Q. When was that?</p> <p>22 A. I don't know the date.</p> <p>23 Q. It was sometime before Ashley Jacobs</p> <p>24 left the County's employment, obviously?</p> <p>25 A. Yes.</p>	<p>1 to communicate to him, let him know where it was</p> <p>2 going to be. He requested that I do it after</p> <p>3 hours, so I facilitated that.</p> <p>4 Q. And that's -- that's all I'm asking.</p> <p>5 You only know what you know.</p> <p>6 A. Right.</p> <p>7 Q. And I don't know it until you answer</p> <p>8 the question.</p> <p>9 A. Uh-huh.</p> <p>10 Q. So don't, you know, feel offended by</p> <p>11 me.</p> <p>12 A. Oh, I'm not at all. I'm trying to</p> <p>13 recollect things that I can't and that's</p> <p>14 frustrating.</p> <p>15 Q. Some people have good memories and some</p> <p>16 people don't.</p> <p>17 You -- what you're telling me is that</p> <p>18 when you went to move him, Mr. Beckert did not put</p> <p>19 up any type of opposition, his only request was to</p> <p>20 do it after hours?</p> <p>21 A. Yeah, I mean, that was his request.</p> <p>22 Q. And he complied with the move?</p> <p>23 A. He did.</p> <p>24 Q. Now, sometime later I believe you</p> <p>25 were -- became a point of contact for Mr. Beckert?</p>

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<p>1 A. I did.</p> <p>2 Q. Tell me about that.</p> <p>3 A. Mr. Greenway and I had a discussion</p> <p>4 about him -- I mean, I got an additional directive</p> <p>5 and that directive was to aid Mr. Beckert by being</p> <p>6 a -- being the throughput for communications to the</p> <p>7 staff, if that makes sense.</p> <p>8 Q. You became the -- the conduit for any</p> <p>9 communications with --</p> <p>10 A. Yes.</p> <p>11 Q. -- the County employees?</p> <p>12 A. Yes.</p> <p>13 Q. Because Mr. Greenway had told you that</p> <p>14 he didn't want Mr. Beckert to have any direct</p> <p>15 contact with the County employees?</p> <p>16 MR. ANDERSON: Object to the form.</p> <p>17 You can still answer.</p> <p>18 BY MR. CROSBY:</p> <p>19 Q. Correct?</p> <p>20 A. Yes.</p> <p>21 Q. So whatever contact, would that have</p> <p>22 been after David Cadd left the County's employment?</p> <p>23 A. Yes.</p> <p>24 Q. And at some point in time you became</p> <p>25 involved in allow -- escorting Mr. Beckert into,</p>	<p>1 don't know if it was Ashley or Eric when he</p> <p>2 arrived. I just knew that the frequency was</p> <p>3 greater because he had relieved Mr. Cadd. So...</p> <p>4 Q. Prior to Mr. Cadd being relieved, did</p> <p>5 you escort Mr. Beckert into building during that</p> <p>6 time?</p> <p>7 A. No.</p> <p>8 Q. So this started sometime in 2021?</p> <p>9 A. Yes.</p> <p>10 Q. And what I'm trying to get at is, was</p> <p>11 it your understanding that between Ms. Jacobs and</p> <p>12 council the decision had been made to move</p> <p>13 Mr. Beckert's office?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know who made the decision to</p> <p>16 allow Mr. Beckert to be able to return to the</p> <p>17 auditor's office off of Ribaut Road?</p> <p>18 A. Do I know who specifically, no, I</p> <p>19 don't.</p> <p>20 Q. Did you have any conversations with</p> <p>21 anyone about any change in the policy of having</p> <p>22 Mr. Beckert refrain from entering that building?</p> <p>23 A. No. I mean, again, I think that the --</p> <p>24 I'm uncertain of where it started, but I know that</p> <p>25 it was reaffirmed sometime later because it was</p>
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<p>1 back into the building where his office formerly</p> <p>2 was?</p> <p>3 A. Yes.</p> <p>4 Q. Tell me about that.</p> <p>5 A. There was some communication to</p> <p>6 Mr. Beckert and a request that he provided a</p> <p>7 24-hour notice when he needed to come up there and</p> <p>8 so I had coordinated that with Mr. Beckert. And so</p> <p>9 he would call me, sometimes on the weekend,</p> <p>10 sometimes on a Monday to kind of give me a general</p> <p>11 idea of what his plans were for the week. And then</p> <p>12 when he arrived at the building, he would contact</p> <p>13 me via phone or text and he would walk around the</p> <p>14 front of the building, I would move through the</p> <p>15 building and let him in the door adjacent to the</p> <p>16 auditor's office.</p> <p>17 Q. And who gave the authority for</p> <p>18 Mr. Beckert to have access to the building?</p> <p>19 A. Who gave the authority?</p> <p>20 Q. Correct.</p> <p>21 A. I'm not certain if that was Ash- -- it</p> <p>22 was the same standing as I understood it from</p> <p>23 before. So I don't know, but the notice to come up</p> <p>24 there, I don't know where that came from, but I</p> <p>25 mean, ultimately, I wasn't surprised by it so I</p>	<p>1 shifted -- whoever, their responsibility was</p> <p>2 shifted to me, so that's when I got the ground</p> <p>3 rules and ground work of what that looked like.</p> <p>4 Q. Of what looked like?</p> <p>5 A. Of -- of me having to escort him into</p> <p>6 the building and, I mean, that.</p> <p>7 Q. Well, I guess that's what I'm trying to</p> <p>8 get at. Did you have any discussions with</p> <p>9 Mr. Greenway that there had been some change in</p> <p>10 policy whereby Mr. Beckert, after Mr. Cadd's</p> <p>11 departure, could now return to the building?</p> <p>12 A. I'm sure I had discussions. I mean,</p> <p>13 nothing remarkable. It was the same standing, as I</p> <p>14 understood it, the same standing notice and he</p> <p>15 needed to be escorted into the building. I knew of</p> <p>16 that prior to and so the discussions were about, I</p> <p>17 mean, the frequency was all.</p> <p>18 Q. Well, prior to Mr. Cadd's leaving, you</p> <p>19 told me that he wasn't entering the building?</p> <p>20 A. No, I wasn't responsible for that. I'm</p> <p>21 not certain who was. But I know that after</p> <p>22 Mr. Cadd's departure that was the task that I'd</p> <p>23 received.</p> <p>24 Q. Do you know whether Mr. Beckert was</p> <p>25 entering the building prior to Mr. Cadd's</p>

5 (Pages 14 - 17)

ALICIA HOLLAND vs BEAUFORT COUNTY
9:20-cv-03479-DCN-MHC - ERIC GREENWAY

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 BEAUFORT DIVISION
4

5 ALICIA HOLLAND,

6 Plaintiff,
7

8
9 vs.

CASE NUMBER
10 9:20-cv-03479-DCN-MHC
11

12
13 BEAUFORT COUNTY and JAMES BECKERT,
14 Individually, and in his Official Capacity,
15 Defendants.
16

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17 The videotaped deposition of ERIC
18 GREENWAY, a witness in the above-entitled cause,
19 taken pursuant to Notice and agreement, before
20 Ceil Weser, Certified Court Reporter and Notary
21 Public, before Robert Claxton, videographer, at
22 the Offices of Beaufort County Administration
23 Building, 100 Ribaut Road, Suite 170, Beaufort,
24 South Carolina, on the 12th day of April, 2022,
25 commencing at or about the hour of 8:14 a.m.



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<p style="text-align: right;">Page 34</p> <p>1 MR. BUYCK: No.</p> <p>2 BY MS. AVANT:</p> <p>3 Q What about the County's directive for</p> <p>4 Mr. Beckert and this building, what do you know</p> <p>5 about that?</p> <p>6 A I know that Ashley Jacobs and the</p> <p>7 County Council and the County Attorney developed</p> <p>8 a policy that was in place when I took over as</p> <p>9 acting County Administrator that said that</p> <p>10 Mr. Beckert was going to be relocated to another</p> <p>11 building, and if he wanted to come into this</p> <p>12 building he would need an escort in order to be</p> <p>13 in this building.</p> <p>14 Q And have you continued to carry out</p> <p>15 that policy?</p> <p>16 A I have.</p> <p>17 Q Tell me about that, have you run into</p> <p>18 any issues?</p> <p>19 A What do you mean issues?</p> <p>20 Q Have you are run into any issues</p> <p>21 enforcing this policy?</p> <p>22 A I am not sure what you mean by that.</p> <p>23 Q Well, I can't know what issues to</p> <p>24 describe to you unless you tell me if you have</p> <p>25 had any?</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. BUYCK: Note my objection.</p> <p>2 THE WITNESS: Well, I can -- yeah.</p> <p>3 MR. BUYCK: Let us take about a</p> <p>4 two-minute break if we could, please.</p> <p>5 Let us go off the record.</p> <p>6 (Whereupon, a short break was</p> <p>7 taken.)</p> <p>8 BY MS. AVANT:</p> <p>9 Q So I was asking you if you had any</p> <p>10 issues enforcing this policy with Mr. Beckert?</p> <p>11 Have you had any issues?</p> <p>12 A And I was asking you what what you mean</p> <p>13 by that?</p> <p>14 Q Has he attempted to enter the building</p> <p>15 without an escort?</p> <p>16 A Not to my knowledge.</p> <p>17 Q I am going to show you Exhibit 12.</p> <p>18 MR. BUYCK: Thank you.</p> <p>19 BY MS. AVANT:</p> <p>20 Q This is an Email you sent January of</p> <p>21 '21.</p> <p>22 A Okay.</p> <p>23 Q Take a minute to read through this.</p> <p>24 A I sent it, because it says Ashley</p> <p>25 Jacobs?</p>
<p style="text-align: right;">Page 36</p> <p>1 Q That is at the bottom. At the top it</p> <p>2 says from Eric Greenway.</p> <p>3 A Oh, okay. I was looking at the</p> <p>4 highlighted part here.</p> <p>5 Okay.</p> <p>6 Q You read through your paragraph?</p> <p>7 A Uh-huh.</p> <p>8 Q It sounds like that he tried to enter</p> <p>9 the building past office hours without an</p> <p>10 escort?</p> <p>11 A Yeah, you are right.</p> <p>12 Q Do you recall this?</p> <p>13 A I do.</p> <p>14 Q Do you recall having to send this</p> <p>15 Email?</p> <p>16 A I do.</p> <p>17 Q Has there been any other issues you</p> <p>18 have been made aware of with Mr. Beckert not</p> <p>19 following the policy put in by Council?</p> <p>20 A To my knowledge he has not violated</p> <p>21 anything. I mean I have sent a lot of Email</p> <p>22 dealing with a lot of situations every day. So</p> <p>23 I do recall him -- I came by and saw his car in</p> <p>24 the parking lot on a Saturday, and I inquired to</p> <p>25 the County Attorney as to what action I should</p>	<p style="text-align: right;">Page 37</p> <p>1 take, and I was told I should send this Email by</p> <p>2 the County Attorney letting him know he should</p> <p>3 not come into the building without an escort.</p> <p>4 MR. BUYCK: Take your time and</p> <p>5 read through the entire exhibit,</p> <p>6 because she has given you more than</p> <p>7 just one Email there.</p> <p>8 THE WITNESS: Okay.</p> <p>9 Okay.</p> <p>10 BY MS. AVANT:</p> <p>11 Q You read the whole thing?</p> <p>12 A Yes.</p> <p>13 Q So I wanted to ask you about a couple</p> <p>14 of things in here.</p> <p>15 A Okay.</p> <p>16 Q Back up to your Email. You said before</p> <p>17 anything is highlighted. About three-fourths of</p> <p>18 the way down of that big paragraph that says:</p> <p>19 "With support of Council members." And feel</p> <p>20 free to read the whole sentence to get some</p> <p>21 context.</p> <p>22 A Okay.</p> <p>23 Q What specific Council members were in</p> <p>24 support of this policy or was it Council as a</p> <p>25 whole?</p>



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38-41

<p style="text-align: right;">Page 38</p> <p>1 A So it was my recollection that Kurt 2 Taylor, the County Attorney told me that Miss 3 Jacobs established that policy in support of the 4 Council, so I would take that to mean a majority 5 of Council. 6 Q Thanks. That helps clarify that. 7 A I don't know if it is all of them or -- 8 but I would take it to mean a significant number 9 of them were concerned about him being in the 10 building based on the allegations or the 11 situation or his behavior, and that they asked 12 for him to -- they asked Miss Jacobs to take 13 steps to remove him from this building. 14 Q Are you aware of any County Council 15 members that opposed this policy? 16 A I would not have been involved in any 17 of those discussions because I would have been 18 Planning Director at that time, and I would not 19 have been involved in that. So I don't know how 20 the policy was developed or came about. 21 Q And you haven't been made aware since 22 you have become County Administrator of any 23 opposing Council members? 24 A Not more than what I just told you from 25 based on what anything that was told to me about</p>	<p style="text-align: right;">Page 39</p> <p>1 this policy was shared with me from with Kurt 2 Taylor, County Attorney. 3 Q And that kind of goes back to one of my 4 previous questions when I asked if you were 5 briefed on anything, the County Attorney Kurt 6 Taylor briefed you on this policy? 7 A Yeah, so let me put that in context. 8 Q Uh-huh. 9 A Whenever I took over as acting County 10 Administrator this policy was in place. I think 11 an issue came up regarding this policy and 12 whether or not I was going to continue to 13 enforce it. 14 So I reached out to Kurt Taylor, and 15 after talking to Kurt about that I decided that 16 I would continue to enforce the policy as 17 established by Miss Jacobs. 18 Q And what issue came up that led you to 19 question yourself, like do I still enforce this? 20 Do I not? 21 Do you remember what brought that one? 22 A No, I don't recall what that was -- why 23 that would have up. 24 I seem to recall that Beckert asked me 25 about the policy and whether or not he would be</p>
<p style="text-align: right;">Page 40</p> <p>1 able to have access back into the building or 2 about the escort situation for him in the 3 building. 4 Q And correct me if I am wrong, I am not 5 trying to put words in your mouth, was it 6 something along the lines of okay, now that 7 Ashley is not here anymore, are you still 8 keeping this up, or do you know how he 9 approached you? 10 A I don't recall that, no. 11 It was not -- it was at that particular 12 point in time Mr. Beckert had indicated to me 13 that when I became acting County Administrator 14 that it was very likely that, you know, my 15 relationship with him would change from being 16 just a cordial talk in the hall type of 17 situation to -- I got the sense that he was 18 sending me the message that he was going to be 19 somewhat aggressive with me as the acting County 20 Administrator. 21 Q That is what you took from his 22 conversation? 23 A Yes. 24 Q Is there something about it that made 25 you take that away from it? Was he aggressive</p>	<p style="text-align: right;">Page 41</p> <p>1 when he spoke to you about it or was it just -- 2 A No, just because of what he said. He 3 said something along the lines now that you are 4 acting County Administrator I still have to do 5 the things that I have to do as Auditor; and you 6 know, there will probably be some things that we 7 have issues regarding. Something along that 8 lines that made me made me draw the conclusion 9 that he was going to be somewhat aggressive with 10 his style and approach toward me at times and 11 that has proven to be true. 12 Q Okay. You were able to predict that 13 one, huh? 14 A Yes. 15 It is not hard to predict. 16 Q So since you continue to enforce this 17 policy, and based on your testimony a minute ago 18 this was the only issue of him coming up on a 19 Saturday that you can remember off the top of 20 your head? 21 A So when you say -- and again that is 22 why I am asking you about the issues? 23 Q I will try to clarify. 24 A What do you want to know? 25 So if it is about him coming into the</p>



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<p style="text-align: right;">Page 42</p> <p>1 building and accessing the building, yes, that 2 was a pain, okay? He would call when he was in 3 the parking lot or before he got in the parking 4 lot and say hey, I am in the parking lot. Can 5 you send my escort to get me. Well, at that 6 particular point in time my 42-year experienced 7 executive assistant would go to the door to let 8 him in and escort him to his office. Well, he 9 wouldn't even be in the parking lot and she 10 would have to stand there and stand there and 11 stand there to wait on him to show up. 12 He would get in his office. He would 13 be in there for 10 or 15 minutes, and then he 14 would call back to my office and say oh, I have 15 to go to the restroom, can somebody come and 16 escort me to the restroom? So she would go and 17 escort him to the restroom, and he would go in 18 the restroom and he would stay in there for a 19 long time. And she would come back to the 20 office, and then he would go back to his office; 21 and he would call me and say hey, I was in the 22 restroom, I left the restroom, my escort wasn't 23 there. Nobody was there to escort me back to my 24 office, blah, blah, blah. 25 One day he called me like at 5:05 on a</p>	<p style="text-align: right;">Page 43</p> <p>1 Friday afternoon, I was on my way to Charleston. 2 And he said hey, I am in my office and nobody 3 here on the administration side is here to let 4 me out of the office, what would you like for me 5 to do? Crawl out the window of my office? And 6 I said no, you do not need to crawl out your 7 window of your office. There is a door right by 8 your office there. I would suggest you walk out 9 the door of your office, turn right and go down 10 the hall and go out the door that faces Ribaut 11 Road. 12 So he was very aggravating during that 13 time about that policy, and the enforcement of 14 that policy. And again as I stated earlier he 15 was unnecessarily consuming County resources. 16 So at that particular point in time I asked Mr. 17 Bechtold to be his escort, and that is when I 18 instructed Jim as you saw in this Email that he 19 would need to go through Bechtold, and he would 20 need to give us some notice as to when he needed 21 to be in the building. He couldn't just call 22 and say hey, I am five minutes away, blah, blah, 23 blah. 24 I don't know this to be fact, but I 25 even heard that one time we went to let him in</p>
<p style="text-align: right;">Page 44</p> <p>1 the door and he was hiding behind the columns 2 out front, and we didn't see him. And then he 3 called me back immediately saying he has been 4 waiting at the door for a while. I don't know 5 if that is factual or not, but having dealt with 6 him during that time, I can very easily see him 7 doing something like that. 8 Because it was a pain and eventually I 9 stopped him accessing this building totally even 10 with an escort, because it became so cumbersome 11 and consumed so many resources. Even 12 Mr. Bechtold told him he would not be allowed 13 back into this building even with an escort, and 14 to my knowledge he has not been back since. 15 Q How long has that been? 16 A Mr. Bechtold was still here, so it is 17 several months. 18 Q And you just said to your knowledge he 19 hasn't been back since. So your policy has been 20 effective? 21 A As far as I know. 22 MR. JOHN ANDERSON: Objection. 23 THE WITNESS: I mean has he been 24 in other County buildings. Yeah, with 25 me in a meeting so.</p>	<p style="text-align: right;">Page 45</p> <p>1 BY MS. AVANT: 2 Q But as far as your policy that he is 3 not to be in building to your knowledge it has 4 been effective? 5 A That is correct. Nobody has told me 6 that he has been in the building since I did 7 that. So if he has been here, I don't know 8 about it. That I recall. 9 MR. BUYCK: Let me ask you one 10 question? Whenever you guys do the 11 objections, am I supposed to quit 12 talking? 13 MR. BUYCK: You are supposed to 14 answer unless we tell you, yes. 15 THE WITNESS: Okay. So you all 16 will tell me don't answer that? 17 MR. BUYCK: Yes. 18 Otherwise we are making a note on 19 the record for a judge. 20 When you get exhibits make sure 21 you look through everything and take 22 your time. 23 BY MS. AVANT: 24 Q Yeah, you are welcome to read this 25 whole thing; but I can tell you what pages I</p>





Deposition of:
Gary T. Kubic

April 7, 2021

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<p style="text-align: right;">Page 10</p> <p>1 use basically written documents, letters, and those</p> <p>2 kinds of things to document my position or document</p> <p>3 a next step as to how we were to proceed, whether</p> <p>4 it be budget or employee management or contracts.</p> <p>5 That's my perspective. And what I</p> <p>6 found out in terms of staff, generally speaking, my</p> <p>7 staff did not want to associate with Mr. Beckert.</p> <p>8 And it got to a point where I had to, based on some</p> <p>9 of the things that my staff was telling me -- you</p> <p>10 know, the building was divided into two halves</p> <p>11 where I had to separate and lock the doorway that</p> <p>12 would allow entry from his side of the office into</p> <p>13 my corridor. And that was done primarily because</p> <p>14 of complaints from the female staff on my side.</p> <p>15 Q. And those were staff that work under --</p> <p>16 under you?</p> <p>17 A. Monica Spells, Cheryl Harris, Sue</p> <p>18 Rainey, members of the HR team primarily.</p> <p>19 Q. And what was the nature of the</p> <p>20 complaints that your staff was relaying to you?</p> <p>21 A. They felt uncomfortable having to be</p> <p>22 with Mr. Beckert. I think they used the word</p> <p>23 creepy. And so I figured it would be better just</p> <p>24 to separate the staff and limit the association to</p> <p>25 those moments when we had to have discussions on a</p>	<p style="text-align: right;">Page 12</p> <p>1 And so I did certain steps periodically based on</p> <p>2 what was brought to me and how I thought I could</p> <p>3 best resolve them.</p> <p>4 Q. Was the nature of the complaints that</p> <p>5 you were getting such that Mr. -- that what</p> <p>6 Mr. Beckert's conduct would be deemed</p> <p>7 unprofessional toward these female employees?</p> <p>8 A. Granted that I wasn't present during</p> <p>9 those moments, but relying upon what my staff told</p> <p>10 me, my answer would be: Yes, they are -- they --</p> <p>11 it wasn't a professional discussion.</p> <p>12 And one of the things that evolved from</p> <p>13 it was we put hallway cameras in the hallways</p> <p>14 initially for security purposes to protect the</p> <p>15 auditor's office because it was an office that</p> <p>16 invited general public in. Also, security right</p> <p>17 next door for the treasurer's office where the</p> <p>18 collection of money would -- would go.</p> <p>19 And I had access as county</p> <p>20 administrator because I am in charge of all campus</p> <p>21 buildings. I had the ability to monitor the</p> <p>22 cameras in my office at all sites. And I then</p> <p>23 decided to limit the monitoring of the associated</p> <p>24 cameras, and I think I restricted one or two in the</p> <p>25 hallway from Mr. Beckert because I thought that it</p>
<p style="text-align: right;">Page 11</p> <p>1 particular item that involved Mr. Beckert's</p> <p>2 department and myself. And so we basically kept it</p> <p>3 on a very -- as professional as we can with noted</p> <p>4 separation.</p> <p>5 Q. And you -- as the highest ranking</p> <p>6 county employee, you had to have some interaction</p> <p>7 with -- with the auditor?</p> <p>8 A. That's correct.</p> <p>9 Q. And what you're telling me is that</p> <p>10 because of the complaints that you were receiving</p> <p>11 about -- from your staff about Mr. Beckert's</p> <p>12 conduct toward them that you took a step of</p> <p>13 blocking off or cordoning off your employees so</p> <p>14 that they didn't have access to him?</p> <p>15 A. Yes.</p> <p>16 Q. How far into Mr. Beckert's term as</p> <p>17 auditor did this occur?</p> <p>18 A. Well, it wasn't right away, and I had</p> <p>19 been out of the business -- been away from the</p> <p>20 county for a while. So you're giving me a memory</p> <p>21 teaser. I'd say three to six months as -- as the</p> <p>22 initial start. There are documents that show when</p> <p>23 I stopped having my monthly meetings.</p> <p>24 These various actions were generated at</p> <p>25 different times. They did not all occur at once.</p>	<p style="text-align: right;">Page 13</p> <p>1 was not necessary for him to see hallway activity.</p> <p>2 And I got some information from staff</p> <p>3 members that he would appear in the hallway, and</p> <p>4 they just thought it was kind of ironic, so I</p> <p>5 restricted that as well.</p> <p>6 Q. Would the information you were getting</p> <p>7 from staff with regard to his use of the cameras,</p> <p>8 was it such that they believed that he was using</p> <p>9 the cameras to determine when they would enter the</p> <p>10 hallway and step out and interact with them?</p> <p>11 A. Yes.</p> <p>12 Q. Did they complain that his interactions</p> <p>13 made them feel uncomfortable?</p> <p>14 A. Yes.</p> <p>15 Q. Did they complain to you that his</p> <p>16 interactions made them feel threatened?</p> <p>17 A. Being threatened in terms of a physical</p> <p>18 threat, I'm not as certain. Being threatened sort</p> <p>19 of in an emotional feeling of just generally being</p> <p>20 uncomfortable, with that qualification, I would say</p> <p>21 yes. But I'm -- I'm not certain that it rose to a</p> <p>22 point of physically being threatened.</p> <p>23 Q. Well, we're going to talk to each one</p> <p>24 of them, and we'll -- we'll get their take on that.</p> <p>25 But obviously you're taking action because of</p>

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<p style="text-align: right;">Page 14</p> <p>1 Mr. Beckert's actions and what your staff related 2 to you? 3 A. Yes. 4 Q. And you as their supervisor and the -- 5 in your role as county administrator, you had an 6 obligation to provide a nonhostile, comfortable 7 workplace for your staff -- 8 MR. J. ANDERSON: Object to the form. 9 THE WITNESS: That's correct. 10 BY MR. CROSBY: 11 Q. -- correct? 12 I mean, it's important to -- for their 13 productivity and for their -- their well-being to 14 be free from any type of discomfort caused by 15 others in the workplace, correct? 16 MR. J. ANDERSON: Object to the form. 17 THE WITNESS: Yes. 18 BY MR. CROSBY: 19 Q. Did any of the employees at your 20 staff -- let's keep with them right now -- did any 21 of the staff relate to you that Mr. Beckert would 22 from time to time just stare at them? 23 A. Starting with myself, yes, stare from 24 the sidewalk through my window. I used to get to 25 work early. I caught him several times just</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Get my directions, maybe the 2 treasurer's office would be on the south end? 3 A. Well, I don't have a compass, and I 4 couldn't tell you -- 5 Q. Where -- 6 A. -- which way the sun rose on the 7 buildings. But basically it's a rectangle building 8 which is divided in half, two corridors. The front 9 corridor facing Ribaut Road had the treasurer and 10 the auditor, I think a mailroom, planning on that 11 side. And on the other side was the clerk of 12 council, myself, some of my staff members for -- 13 for Monica Spells, Beaufort County channel, and at 14 the end was the HR division. 15 So that was parallel -- there were 16 parallel corridors. And in between was a central 17 reception area at one time where the general public 18 could come in and access the offices, and that door 19 I restricted coming into my area. You could buzz 20 and have somebody come in and -- if it was a 21 taxpayer or another official, we would let them 22 through the doorway. 23 Q. Let's go back to you -- your 24 interaction with Mr. Beckert and his staring in 25 your window. How many times did that occur?</p>
<p style="text-align: right;">Page 15</p> <p>1 looking through the window standing there. It was 2 kind of odd. I even had mentioned it to the 3 sheriff a few times and others. 4 Maria Walls had indicated to me that 5 she felt that Mr. Beckert was staring at her 6 through her office window. As a result of that, I 7 think I told her to advise the sheriff as well, to 8 notify him that she felt uncomfortable. And then I 9 also authorized security cameras at that corner to 10 have the ability to video those occurrences, and 11 also for general security of the building itself. 12 I think it -- you know, I'm -- I'm 13 going back. I hope I get -- Monica Spells, I 14 think, told me a few times that Mr. Beckert 15 demanded access through a card swipe to our side of 16 the building, and I told her that -- you could 17 program the various access points for those cards. 18 And as a result of talking with her, I told her not 19 to program access for Mr. Beckert on -- on that 20 doorway that accessed my office space, that area, 21 that corridor. 22 Q. Where is your office -- I think the 23 treasurer's office is on the first floor of the 24 county building? 25 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Well, I didn't count them, but if 2 you're talking about -- you know, I don't know. I 3 never really took a count. It was almost at least 4 once or twice a week. It would depend on when he 5 arrived at work, and generally I'd get there about 6 7:00, 7:30. He'd get there early as well. He 7 parked right across from my window. And I never 8 really took a count, but it was more than one, and 9 it could be, you know, 20, 30. I -- I'm not sure. 10 Q. And he would -- you didn't -- did he 11 ever have a conversation about why it was that he 12 would stand outside your window? 13 A. No. I really never talked to him about 14 it. 15 Q. Did -- it sounds like you got to the 16 point where you were just limiting your interaction 17 with him in professional business settings? 18 A. You know, looking through my window and 19 being a county administrator, I was going to use a 20 BS kind of language, but quite frankly I had more 21 important things to consider in my duties than to 22 worry about a person and why that person would be 23 staring or looking at me through my window. I just 24 thought it was unusual, and I treated it that way. 25 You know, I just -- I moved on in my daily</p>

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<p style="text-align: right;">Page 18</p> <p>1 activities.</p> <p>2 Q. Just -- just to be clear, was -- were</p> <p>3 there other people who would routinely come to your</p> <p>4 window and just stare at you?</p> <p>5 A. Well, I like to think that I was a</p> <p>6 popular kind of guy and fairly good-looking, but I</p> <p>7 lost all my hair, and then that kind of eliminated</p> <p>8 that possibility pretty much.</p> <p>9 No, I don't mean to be frivolous. I</p> <p>10 know this is an important matter. But no. No.</p> <p>11 And what made it unique from normal</p> <p>12 traffic on the sidewalk by the public or other</p> <p>13 elected officials or staff, those occurrences</p> <p>14 occurred when it was early in the morning with only</p> <p>15 a few people in the building at that time. It was</p> <p>16 at the beginning of the day, and that's what I</p> <p>17 thought was interesting.</p> <p>18 Q. Did you ever get the sense that he was</p> <p>19 doing it to intimidate you?</p> <p>20 A. I don't know. I -- I have no idea what</p> <p>21 he was thinking about. And quite frankly, my</p> <p>22 personality, I wouldn't have thought that he was</p> <p>23 doing it to intimidate -- at least I wasn't</p> <p>24 intimidated by it, per se, because I figured I'm a</p> <p>25 big boy, and that's kind of incidental. So not</p>	<p style="text-align: right;">Page 20</p> <p>1 counsel her on visiting and -- and making sure that</p> <p>2 she related those incidents to the proper</p> <p>3 authorities, that being the sheriff. I told her I</p> <p>4 would introduce a video camera to record those</p> <p>5 events. And, yeah, she was visibly upset. She --</p> <p>6 it troubled her.</p> <p>7 Q. And so while the cameras may have had a</p> <p>8 secondary function of providing -- serving as</p> <p>9 security, the -- the -- the initial driver was</p> <p>10 because of Mr. Beckert's coming and staring</p> <p>11 at Maria -- through Maria Walls's window?</p> <p>12 MR. J. ANDERSON: Object to the form of</p> <p>13 the question.</p> <p>14 THE WITNESS: I would say that's true.</p> <p>15 I would also say that the camera is in plain view,</p> <p>16 and the idea was that, you know, generally if you</p> <p>17 walked in that area and you looked up or you knew</p> <p>18 that the cameras were rolling as security that it</p> <p>19 would maybe serve as a deterrent, which was the</p> <p>20 ultimate intent, to stop that action from</p> <p>21 happening.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. Did you ever learn of him staring at</p> <p>24 any other employees or any employees other than</p> <p>25 yourself of the county?</p>
<p style="text-align: right;">Page 19</p> <p>1 knowing his motives, I really don't know.</p> <p>2 I guess it was probably to maybe create</p> <p>3 a signal that he was present. But I did -- I did</p> <p>4 go to the sheriff because, you know, at various</p> <p>5 times I've been required to wear bulletproof vests</p> <p>6 and different kinds of things on campus in Beaufort</p> <p>7 County because of threats, and so just to get on</p> <p>8 record -- and I didn't do it in writing; I just</p> <p>9 mentioned it to the sheriff -- this is occurring in</p> <p>10 the morning. And he said, well, you know, do</p> <p>11 you -- do you want to continue or do you want to do</p> <p>12 anything for him?</p> <p>13 I said, no, I just want you to know.</p> <p>14 And that was the extent of it.</p> <p>15 Q. Just talk about his behavior toward --</p> <p>16 staring with regard to Maria Walls. Did she relay</p> <p>17 that to you?</p> <p>18 A. Yes, several times.</p> <p>19 Q. And when she relayed it, it was</p> <p>20 something that she didn't like?</p> <p>21 A. Yeah. That -- you know, that was -- my</p> <p>22 interpretation of what Maria expressed to me in</p> <p>23 those moments about Mr. Beckert looking in her</p> <p>24 window, she was clearly upset, she was clearly</p> <p>25 worried about physical harm. I would try to</p>	<p style="text-align: right;">Page 21</p> <p>1 A. The only other -- no. The only other</p> <p>2 employee that mentioned some occurrences outside</p> <p>3 the building or along the building was Tony</p> <p>4 Criscitiello, the planning director. But, again,</p> <p>5 Tony didn't think too much of it, but he did</p> <p>6 mention it to me that he thought Mr. Beckert was --</p> <p>7 was interested in the planning division.</p> <p>8 I think maybe at that time Mr. Beckert</p> <p>9 wanted to get a couple of tables or whatever, but</p> <p>10 you'd have to check with Tony. But I think Tony</p> <p>11 did mention it to me once or twice.</p> <p>12 Q. Did Monica Spells ever tell you that</p> <p>13 Beckert stared at her in the hall and made her feel</p> <p>14 uncomfortable?</p> <p>15 A. Yes.</p> <p>16 Q. How about Melissa Beere -- Beere?</p> <p>17 A. Who?</p> <p>18 MR. KEAVENY: Beere. Melissa Beere.</p> <p>19 MR. CROSBY: Beere.</p> <p>20 THE WITNESS: Where does she work at?</p> <p>21 MR. KEAVENY: HR.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. I think she worked in --</p> <p>24 A. Oh, Melissa. No, I don't think I had a</p> <p>25 conversation with Melissa about that.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. Who --</p> <p>2 A. I can't remember.</p> <p>3 Q. Who are the staff members that --</p> <p>4 that -- that you're referring to that worked</p> <p>5 under -- under you that -- directly there?</p> <p>6 A. Cheryl Harris, which was my executive</p> <p>7 assistant.</p> <p>8 Q. Cheryl?</p> <p>9 A. Cheryl Harris, Monica Spells, there</p> <p>10 were two black females who came into my office who</p> <p>11 were auditor employees who wanted me to do</p> <p>12 something about what they thought was harassment by</p> <p>13 Mr. Beckert; and I advised them that Mr. Beckert</p> <p>14 was a separate elected official, and that they had</p> <p>15 the opportunity to go down to the general bulletin</p> <p>16 board and look up the EEOC. And if they needed</p> <p>17 assistance in terms of how to contact the EEOC</p> <p>18 about their complaints, they could go into my staff</p> <p>19 HR, and they would provide numbers and forms, if</p> <p>20 that was necessary, for them to complete.</p> <p>21 I don't remember their names. I</p> <p>22 know -- I think they both were dismissed or fired.</p> <p>23 Q. Did Ebony Sanders ever relay any</p> <p>24 complaints to you about Mr. Beckert?</p> <p>25 A. Not directly. I think her</p>	<p style="text-align: right;">Page 24</p> <p>1 official in my opinion for a lot of reasons, and</p> <p>2 that the opportunity that he had was to use wisdom</p> <p>3 in talking to others who had more experience about</p> <p>4 budget, about office management, about hiring</p> <p>5 practices, about statutory interpretation, to aid</p> <p>6 him in developing a level of expertise to better</p> <p>7 operate his office. He rejected all those.</p> <p>8 I think he took offense, quite frankly,</p> <p>9 that I was a nonelected official trying to advise</p> <p>10 him as an elected official as to how to operate</p> <p>11 within the confines of governmental procedures.</p> <p>12 Q. Did you have -- ever have any</p> <p>13 conversations with Alicia Holland about any</p> <p>14 concerns she had about Mr. Beckert's conduct toward</p> <p>15 her?</p> <p>16 A. My recollection on that topic would be</p> <p>17 that I think Alicia talked to me about some of the</p> <p>18 differences of opinion regarding budgetary</p> <p>19 management and systems management. I think we had</p> <p>20 disputes with the auditor's office on who had the</p> <p>21 responsibility of protracting and entering into</p> <p>22 contracts for services or product.</p> <p>23 I remember I had to explain to</p> <p>24 Mr. Beckert that there's a statute that allows</p> <p>25 council to establish the purchasing unit and</p>
<p style="text-align: right;">Page 23</p> <p>1 complaints -- I think Monica may have mentioned</p> <p>2 that Ebony was also concerned. But I don't -- I</p> <p>3 don't remember Ebony ever coming in directly and</p> <p>4 having that type of conversation with me.</p> <p>5 Q. By putting up the cameras on the</p> <p>6 outside of the county building, it was an attempt</p> <p>7 by you to deter Beckert's conduct to -- to keep him</p> <p>8 from looking through Maria Walls's window in</p> <p>9 essence?</p> <p>10 MR. J. ANDERSON: Object to the form.</p> <p>11 THE WITNESS: That was one of my</p> <p>12 intents. That was one of my hopes. Yes.</p> <p>13 BY MR. CROSBY:</p> <p>14 Q. Much as dividing off and preventing</p> <p>15 Mr. Beckert from coming into your side of the</p> <p>16 building was to protect your employees?</p> <p>17 A. Yes.</p> <p>18 MR. J. ANDERSON: Same objection.</p> <p>19 BY MR. CROSBY:</p> <p>20 Q. Did you ever address directly with</p> <p>21 Mr. Beckert his conduct toward the employees or</p> <p>22 Ms. Walls?</p> <p>23 A. Indirectly I told Mr. Beckert several</p> <p>24 times that he was elected and replaced Sharon</p> <p>25 Burris who was literally a tragedy as an elected</p>	<p style="text-align: right;">Page 25</p> <p>1 policy. And that as the controlling entity,</p> <p>2 council creates that policy. And then, you know,</p> <p>3 there is buy-in from a lot of the elected</p> <p>4 officials.</p> <p>5 At times, Mr. Beckert felt that he had</p> <p>6 sole authority on who he could contract with, what</p> <p>7 services would be provided. And I think those</p> <p>8 discussions evolved with Alicia's because the</p> <p>9 purchasing department was part of her chain of</p> <p>10 command.</p> <p>11 Q. And would Mr. Beckert accuse her of</p> <p>12 violating policies and laws with regard to what she</p> <p>13 was doing?</p> <p>14 A. Yes. He would -- I don't want to say</p> <p>15 this -- but Mr. Beckert basically had disagreements</p> <p>16 along those lines with almost everybody outside the</p> <p>17 auditor's office.</p> <p>18 Q. And his accusations with regard to</p> <p>19 Alicia Holland's conduct, his accusations about her</p> <p>20 violating laws or policies were not true?</p> <p>21 MR. J. ANDERSON: Object to the form.</p> <p>22 MR. BUYCK: Same objection.</p> <p>23 THE WITNESS: What upset -- they</p> <p>24 weren't true. And what upset me is that Alicia</p> <p>25 worked for me, and her conduct, as far as I was</p>

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<p style="text-align: right;">Page 38</p> <p>1 Mr. Beckert.</p> <p>2 Q. Would his aggressiveness, would you</p> <p>3 describe it as abusive toward individuals at times?</p> <p>4 MR. J. ANDERSON: Object to the form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. CROSBY:</p> <p>7 Q. And I take it what you did by locking</p> <p>8 the doors, at least with regard to your staff and</p> <p>9 his access to them, was an attempt to protect them</p> <p>10 from what one would describe as a hostile</p> <p>11 environment?</p> <p>12 MR. J. ANDERSON: Object to form.</p> <p>13 THE WITNESS: I would say generally the</p> <p>14 answer is yes. The idea of separation, obviously,</p> <p>15 is to keep each side away from each other. And so</p> <p>16 my intent was to limit, because you cannot be</p> <p>17 exclusive.</p> <p>18 In the working conditions and product</p> <p>19 that we were required to produce for the taxpayer,</p> <p>20 you have occasions where people doing their</p> <p>21 functions have to interact with others.</p> <p>22 So physically putting a lock on the</p> <p>23 door was one method. The second method would be to</p> <p>24 try to include or avoid one-on-one situations so</p> <p>25 that you'd have more people in the meetings, and</p>	<p style="text-align: right;">Page 40</p> <p>1 of their efforts.</p> <p>2 Given those facts, Mr. Beckert gave</p> <p>3 several people the impression during meetings</p> <p>4 and -- and -- that he was just confrontational. I</p> <p>5 mean, they were always nervous. And that's why I</p> <p>6 tried to increase my presence at committee meetings</p> <p>7 if I knew he was going to be there or meetings that</p> <p>8 involved Alicia or Maria, I tried to be there.</p> <p>9 The auditor's office and the</p> <p>10 treasurer's office is hand in glove. They cannot</p> <p>11 work independently and produce a product that</p> <p>12 satisfies the needs of the taxpayer. They -- and</p> <p>13 that's why in my opinion, and I'm going well beyond</p> <p>14 in my response, is I don't think you need in this</p> <p>15 day and age of technology two separately elected</p> <p>16 officials, auditor and treasurer, to generate a tax</p> <p>17 bill, whether it's personal property or real</p> <p>18 property. But that's -- that's for another</p> <p>19 election or referendum.</p> <p>20 BY MR. CROSBY:</p> <p>21 Q. In what -- in what you've -- in your</p> <p>22 response there and your prior responses, because of</p> <p>23 Mr. Beckert's aggressiveness toward individuals</p> <p>24 working for the county and in it, he -- you created</p> <p>25 a system where you served as a conduit and/or, I</p>
<p style="text-align: right;">Page 39</p> <p>1 the idea or intent of that was to soften and</p> <p>2 hopefully modify behavior patterns of individuals</p> <p>3 because they were in a group setting rather than a</p> <p>4 one-on-one setting.</p> <p>5 BY MR. CROSBY:</p> <p>6 Q. Wouldn't an ordinary functioning of</p> <p>7 county government with regard to the auditor and</p> <p>8 treasurer, would there typically just be free</p> <p>9 access between, for example, the auditor and</p> <p>10 someone on your staff so that they could -- if they</p> <p>11 needed something they could reach directly out to</p> <p>12 them?</p> <p>13 MR. J. ANDERSON: Object to the form.</p> <p>14 THE WITNESS: Well, the purpose first</p> <p>15 and foremost of every elected official in every</p> <p>16 unit of government is to provide whatever their</p> <p>17 level of duty and responsibility is to serve the</p> <p>18 needs of the taxpayer.</p> <p>19 Whether you like an individual or you</p> <p>20 don't like an individual, in my world, my</p> <p>21 authority, is not relevant. I can dislike an</p> <p>22 employee but not confront them, verbally abuse</p> <p>23 them. As long as their work product is 100 percent</p> <p>24 and sufficient, I never thought I would have to</p> <p>25 like or dislike anyone. I want to see the results</p>	<p style="text-align: right;">Page 41</p> <p>1 guess, attending more meetings sort of as a</p> <p>2 protector?</p> <p>3 MR. BUYCK: Note my objection.</p> <p>4 BY MR. CROSBY:</p> <p>5 Q. -- for your employees --</p> <p>6 MR. J. ANDERSON: Object to the form.</p> <p>7 BY MR. CROSBY:</p> <p>8 Q. I mean, the reason you did that was an</p> <p>9 attempt to protect your employees from</p> <p>10 Mr. Beckert's --</p> <p>11 A. There --</p> <p>12 Q. -- aggressive and abusive behaviors --</p> <p>13 A. There were two reasons.</p> <p>14 MR. BUYCK: Same objection.</p> <p>15 MR. J. ANDERSON: Same objection.</p> <p>16 THE WITNESS: There were two reasons:</p> <p>17 One, the primary focus to produce a product that</p> <p>18 would satisfy the needs of the taxpayer. Two, it</p> <p>19 was to make sure that those present in the meeting,</p> <p>20 elected or not elected, understood that we are all</p> <p>21 together to get that done, that the objective of</p> <p>22 the meeting was to produce product. And, three, to</p> <p>23 your point, indirectly to protect or to give</p> <p>24 comfort from my presence to employees who felt</p> <p>25 that -- uncomfortable with Mr. Beckert, that they</p>

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<p style="text-align: right;">Page 42</p> <p>1 didn't have to feel that way, that I was there to 2 help all involved, even Mr. Beckert. 3 BY MR. CROSBY: 4 Q. Employees feeling uncomfortable or 5 nervous in the presence of Mr. Beckert, when 6 they're feeling like that, that interferes with 7 number one, isn't it, and that's producing the 8 product for the public? 9 MR. J. ANDERSON: Object to the form. 10 THE WITNESS: I've been a -- I was an 11 administrator for 43 years. People who can't focus 12 on the mission at hand 100 percent won't produce a 13 product that is 100 percent. 14 So, if you have gaps in the process, 15 whether it be individuals or IT software or 16 whatever, you try to find ways to fill the gaps so 17 that the product is the best it can be. 18 And in this case, those two units, the 19 auditor and treasurer, I cannot express how 20 critical that function was. And -- and we 21 facilitated -- you know, when you reach a point 22 where you can't produce a tax bill properly, I 23 decided that we would produce a written protocol 24 that the treasurer and the auditor would follow. 25 The protocol was created. It was</p>	<p style="text-align: right;">Page 44</p> <p>1 know the Bates number of what that would be or how 2 it was identified in your discovery? It might help 3 me without a copy. 4 MS. AVANT: I think the e-mail would 5 begin with Bates number 000283. 6 MR. BUYCK: Okay. Thank you. And that 7 was -- is that the Walls? 8 MS. AVANT: That's in the Walls case. 9 MR. BUYCK: Okay. 10 MS. AVANT: And for some reason, that's 11 not -- that's what -- it's on my screen, but if 12 that's not right, let me know. 13 MR. BUYCK: That's fine. I'm just 14 trying to pull it up. 15 THE WITNESS: DOR. I forgot about 16 this. 17 MR. CROSBY: Mr. Kubic, while you look 18 at that, let me take a quick break off the record 19 and give you a minute to look that over. I'm going 20 to -- 21 THE VIDEOGRAPHER: We are going off 22 record. The time is 2:11 p.m. 23 (A recess transpired.) 24 THE VIDEOGRAPHER: We are back on 25 record. The time is 2:21 p.m.</p>
<p style="text-align: right;">Page 43</p> <p>1 submitted for review to Mr. Beckert, to Maria 2 Walls, to county council for comment. Came back 3 in, we refined the product, went back to council 4 and said: Here's how we're going to produce the 5 tax bill if we follow step one to step two to step 6 three to step four. 7 I don't know if they use that still 8 today or not, but it was an attempt to make sure 9 that everything was able to be completed on a 10 timely basis for the tax bills to go out. 11 MR. CROSBY: Pass that around. 12 (PLF. EXHIBIT 7, E-mail Chain with the 13 Top Line E-mail from Cynthia Bensch Dated 9/22/16, 14 was marked for identification.) 15 MR. CROSBY: This is Exhibit Number 7. 16 MR. BUYCK: You got a Bates number? 17 MR. J. ANDERSON: No. 18 MR. BUYCK: Cynthia Bensch. 19 MR. J. ANDERSON: Ronnie, would you 20 read off the date of the two in the front? 21 MR. CROSBY: The -- the top of it is 22 an -- is an e-mail forwarded September 22nd, 2016, 23 from Cynthia Bensch to Maria Walls. 24 MR. J. ANDERSON: Thank you. 25 MR. BUYCK: Chelsi, do you happen to</p>	<p style="text-align: right;">Page 45</p> <p>1 BY MR. CROSBY: 2 Q. Before we went off, Mr. Kubic, I passed 3 to you Exhibit 7. Did you have an opportunity to 4 look that over? 5 A. Yes. 6 Q. And this is an e-mail exchange between 7 you and someone named Cynthia Bensch? 8 A. Councilman Bensch. 9 Q. She was on council at the time? 10 A. Yes. 11 Q. And what -- what was the -- the general 12 nature of what these communications related to? 13 A. Generally speaking, this is 14 communications that were generated as a result of 15 trying to develop a road map -- a written road map 16 of duties and responsibilities that involved the 17 auditor's office and the treasurer's office, county 18 administration so that each of the areas of 19 responsibility, as this memorandum had indicated, 20 these various steps would be followed, and we would 21 ultimately lead to the generation of a tax bill and 22 the collection of a tax bill. 23 Q. Was that the beginning efforts of 24 creating that protocol that you were referring to 25 earlier?</p>

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<p style="text-align: right;">Page 54</p> <p>1 his obsession with control and authority has to 2 obviously affect office morale and performance in 3 many departments, and says: I know you're very 4 concerned. 5 Was she correct that you were concerned 6 about Mr. Beckert's affect on the morale and 7 performance of the various county departments that 8 were under your control? 9 A. Yes. 10 Q. And that goes back to what you talked 11 about earlier? 12 A. It goes back to Monica Spells, several 13 of my staff members, Dave Thomas in purchasing, 14 Alicia, Maria Walls. You know, it -- it -- it's 15 without question that Mr. Beckert was a disruptive 16 force generally. 17 Q. The -- did Maria Walls relay to you 18 other concerns she had with Mr. Beckert's behavior 19 toward her other than the staring through her 20 window? 21 A. Yes. Maria on several occasions told 22 me that she was afraid. She also shared with me a 23 notebook of various things that Mr. Beckert was 24 doing in terms of affecting her department, tape 25 recording her. And she gave me a copy of that</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did -- after you carried the concerns 2 Ms. Walls raised to council, were there ever any 3 solutions proposed by council on how to alleviate 4 these concerns that she had raised to you? 5 A. It was my impression that council felt 6 that having them both present at their committee 7 meetings or allowing each of them separately or 8 collectively to address council from the podium 9 about their concerns on a matter in dispute, which 10 they permitted. 11 I do believe that I advised 12 Mr. Sommerville and Mr. Stewart of my concerns 13 regarding the inability of both parties to resolve 14 their differences so that there could be a 15 collective positive outcome in the responsibilities 16 of each at the department, because what's unique 17 about these two departments is they're independent, 18 but their product is -- is a combination of -- 19 of -- of both efforts. 20 And then the third component is the IT, 21 which is the software processing to actually create 22 the tax rolls which then go towards the final 23 product in printing the bills. 24 So, yeah, they were aware, and I think 25 the heightened awareness of it was the tax bills.</p>
<p style="text-align: right;">Page 55</p> <p>1 notebook I think with the hope that I would be able 2 to somehow correct the situation. The problem for 3 me was I was the county administrator, and I have 4 11 bosses, and besides going to the department of 5 revenue and county council, there is not much else 6 I could possibly do. I couldn't dismiss him or get 7 him out of office. He was an elected official. 8 Q. Did you go to council with the -- those 9 concerns that -- about Ms. Walls's that she had 10 expressed to you? 11 A. Yes. The procedure that I employ with 12 council, because there are 11, is that I first 13 advise, which I did, my concerns to county chairman 14 and the vice chair, and I think it was at the time 15 Paul Sommerville and Jerry Stewart. As a matter of 16 fact, the protocol -- written protocol on how to 17 get a tax bill was an example of that concern. I 18 think I addressed in several of the meetings, 19 particularly I think finance, that we were having 20 difficulties with the auditor in general. 21 And I think there were times where the 22 auditor and treasurer in those meetings were 23 present, and they both spoke to it, and it was 24 clear from their comments that -- that it was very 25 difficult for them to cooperate with each other.</p>	<p style="text-align: right;">Page 57</p> <p>1 I mean, there were disputes on language, there were 2 disputes on timeliness. And I wasn't the only one 3 that called the department of revenue. Mr. Beckert 4 called them countless times trying to get them to 5 see his way. 6 Q. And what you learned from your 7 conversations with the department of revenue was 8 that Mr. Beckert's interpretation of the laws was 9 inaccurate? 10 A. Yes. And I think a few times with the 11 extensions -- you know, they were -- they were 12 granting us extensions to push the date to produce 13 the bills back a month or so. But they were keenly 14 aware of Mr. Beckert. 15 Q. And when you were talking -- mentioned 16 earlier about Ms. Walls's concerns for her safety, 17 you were talking about her physical safety? 18 A. Yes. 19 MR. J. ANDERSON: Object to the form. 20 BY MR. CROSBY: 21 Q. And she expressed that to you? 22 A. Yes. More than one occasion. 23 Q. Was council aware that you had locked 24 Mr. Beckert out of your end of the building? 25 A. I'm not sure. I'm certain that</p>

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<p style="text-align: right;">Page 58</p> <p>1 Mr. Beckert let them know.</p> <p>2 Q. Did he ever express his displeasure to</p> <p>3 you?</p> <p>4 A. Oh, yeah.</p> <p>5 Q. That was certainly within your</p> <p>6 authority to take that action, I assume?</p> <p>7 A. Yes. I think there is a -- I'm not</p> <p>8 sure if there is a statute or there is a policy.</p> <p>9 Maybe it's a council policy. But county</p> <p>10 administrators are responsible for the -- all</p> <p>11 buildings of the county, includes maintenance. The</p> <p>12 only caveat would be overall security, which I</p> <p>13 coordinated with the sheriff's office.</p> <p>14 Q. Have you got Exhibit Number 1? Can you</p> <p>15 pass him a copy there?</p> <p>16 A. Give me three minutes so I can read</p> <p>17 this document.</p> <p>18 Q. Just take a second. You probably</p> <p>19 helped write it, so...</p> <p>20 A. I'm familiar with it.</p> <p>21 Q. And that's the county handbook that was</p> <p>22 adopted -- that version looks like August of 2016?</p> <p>23 A. Yes. Resolution 2016/11.</p> <p>24 Q. And I believe that in addition to</p> <p>25 county employees, that the employees of the</p>	<p style="text-align: right;">Page 60</p> <p>1 would be created by having all elected officials</p> <p>2 consent to the rules and regulations of a personnel</p> <p>3 handbook, which then offered a level of expertise</p> <p>4 for HR in terms of consistent management or</p> <p>5 application for vacation, sick leave, whatever the</p> <p>6 provision or idea would be.</p> <p>7 Q. Was the adoption by the elected offices</p> <p>8 of this -- of Exhibit 1, the manual, a part of</p> <p>9 the -- I guess the bargain with the county for --</p> <p>10 to receive HR services and that type of thing?</p> <p>11 A. Yeah. There was a -- sort of a mutual</p> <p>12 understanding that the HR department was under the</p> <p>13 control of the county administrator; however, to</p> <p>14 assist in advertising a position or to assist in</p> <p>15 management or to assist in producing documents on</p> <p>16 behalf of the employee W-2, the actual paychecks,</p> <p>17 how to do electronic deposit, all those things were</p> <p>18 a result of a mutual understanding of how to</p> <p>19 process.</p> <p>20 It didn't necessarily mean that I could</p> <p>21 tell any elected official who to hire. That was up</p> <p>22 to them. But the process of how to manage and what</p> <p>23 was expected of both sides, that was the purpose of</p> <p>24 the handbook: Consistency.</p> <p>25 Q. And consistency on that side, and then</p>
<p style="text-align: right;">Page 59</p> <p>1 auditor's and treasurer's office signed off on that</p> <p>2 document?</p> <p>3 A. I believe all elected officials of the</p> <p>4 county signed off on this document.</p> <p>5 Q. Including council members?</p> <p>6 A. Well, council doesn't hire employees.</p> <p>7 I'm not sure if they did. But all the other</p> <p>8 elected divisions, including I think the</p> <p>9 magistrates, the courts, any other unit that had</p> <p>10 separately had the capability by statute to hire</p> <p>11 their own employees.</p> <p>12 Q. And what was it --</p> <p>13 A. All the hiring of employees for county</p> <p>14 council was done through me. That's why I don't --</p> <p>15 I don't know if county --</p> <p>16 Q. What's the rationale on -- on having</p> <p>17 the other elected officials and their employees</p> <p>18 sign off and adopt this policy?</p> <p>19 A. The recommendation and -- came from our</p> <p>20 outside counsel, I believe, was Attorney Edwards.</p> <p>21 The idea of having a personnel handbook was so that</p> <p>22 the employee and the employer, whether it would be</p> <p>23 county administration, auditor, or treasurer, that</p> <p>24 the expectations and actions of each party would be</p> <p>25 defined in writing, and that the uniform standard</p>	<p style="text-align: right;">Page 61</p> <p>1 there was a centralized -- the elected offices got</p> <p>2 the benefit of using the county's HR services like</p> <p>3 you say for W-2s and --</p> <p>4 A. Right. Producing a paycheck.</p> <p>5 MR. J. ANDERSON: Object to the form.</p> <p>6 MR. BUYCK: Note my objection, too.</p> <p>7 THE WITNESS: What was your question</p> <p>8 again?</p> <p>9 BY MR. CROSBY:</p> <p>10 Q. There was two sides to it. You had</p> <p>11 consistency and policy over here, but also the</p> <p>12 benefit to the elected offices would be consistency</p> <p>13 and the provision of the HR services?</p> <p>14 A. Yeah. There are certain requirements</p> <p>15 that are involved when you hire an employee. One</p> <p>16 is simply recordkeeping, timekeeping,</p> <p>17 hospitalization, how to produce a paycheck. All of</p> <p>18 those things were products of the HR department</p> <p>19 under my administration as county administrator.</p> <p>20 So the idea was instead of having all the elected</p> <p>21 officials having their own HR department, their own</p> <p>22 check writing, their own hospitalization, for</p> <p>23 purposes of efficiency and movement, it -- it was</p> <p>24 under the HR.</p> <p>25 This, also, handbook was not just for</p>

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<p style="text-align: right;">Page 62</p> <p>1 elected officials, it's also for the new hires to</p> <p>2 understand what their responsibilities are to the</p> <p>3 taxpayer of Beaufort County.</p> <p>4 Q. Right. This is the exact same handbook</p> <p>5 that your staff would sign?</p> <p>6 A. Yes.</p> <p>7 Q. And it sets forth the expectations with</p> <p>8 regard to the -- how you expect county employees</p> <p>9 and those that sign off on this to act in the</p> <p>10 workplace? It has --</p> <p>11 MR. J. ANDERSON: Objection.</p> <p>12 MR. BUYCK: Note my objection.</p> <p>13 BY MR. CROSBY:</p> <p>14 Q. -- certain -- certain forbidden --</p> <p>15 or behaviors that are set forth in this?</p> <p>16 MR. BUYCK: Same objection.</p> <p>17 MR. J. ANDERSON: Me too.</p> <p>18 THE WITNESS: It -- it's a -- it's a</p> <p>19 personnel handbook that offers the elected official</p> <p>20 the hiring authority and the employee hired by the</p> <p>21 hiring authority to know in writing what the</p> <p>22 expectations would be for each side. And so for</p> <p>23 clarity, and also I think to protect the county</p> <p>24 overall from random or haphazard claims by</p> <p>25 employees against the county, if they did not</p>	<p style="text-align: right;">Page 64</p> <p>1 fellow human being.</p> <p>2 And then it says: The county does not</p> <p>3 tolerate harassment of any kind and strictly</p> <p>4 forbids retaliation against anyone who has reported</p> <p>5 harassment in good faith.</p> <p>6 A. Yes. That's what it says.</p> <p>7 Q. And basically it's -- what we've talked</p> <p>8 about earlier, your efforts that we've talked about</p> <p>9 to protect your staff and your employees from some</p> <p>10 of Mr. Beckert's conduct were in effort to provide</p> <p>11 the working anti -- harassment-free environment to</p> <p>12 your employees?</p> <p>13 A. That's correct. That's just sound --</p> <p>14 sound management.</p> <p>15 Q. Because what -- what Mr. Beckert's</p> <p>16 conduct, as you observed, would -- rose to the</p> <p>17 level of what one would describe as harassment</p> <p>18 within this definition?</p> <p>19 MR. J. ANDERSON: Objection.</p> <p>20 THE WITNESS: Are you asking me whether</p> <p>21 or not Mr. Beckert violated this provision as</p> <p>22 written in the employee handbook?</p> <p>23 BY MR. CROSBY:</p> <p>24 Q. That's another way of saying it.</p> <p>25 A. I would have to say I agree with that</p>
<p style="text-align: right;">Page 63</p> <p>1 follow the handbook, then they have no real</p> <p>2 position to argue.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q. And --</p> <p>5 A. So, if they violated procedure, we had</p> <p>6 the ability to process them through the conditions</p> <p>7 and the grievance procedures defined in this book.</p> <p>8 Q. And one of the purposes of the -- some</p> <p>9 of the language in the handbook is to provide a</p> <p>10 good working environment by prohibiting such things</p> <p>11 as sexual harassment?</p> <p>12 A. Yes.</p> <p>13 Q. That's something that was strictly</p> <p>14 forbidden by the county?</p> <p>15 A. Appropriate behavior.</p> <p>16 Q. If we look at Page 6 at Paragraph 1.3,</p> <p>17 it has an anti-harassment policy set forth there.</p> <p>18 A. Page 6, 1.3, yes.</p> <p>19 Q. And in the second sentence, it says:</p> <p>20 In addition to county endeavors to provide a</p> <p>21 working environment in which employees are free</p> <p>22 from discomfort or pressure resulting from jokes,</p> <p>23 ridicule, slurs, gossip, threats, bullying,</p> <p>24 harassment whether relating to such distinctions or</p> <p>25 simply resulting from a lack of consideration for a</p>	<p style="text-align: right;">Page 65</p> <p>1 assessment.</p> <p>2 Q. And what you did to the best of your</p> <p>3 ability was try to protect the county's employees</p> <p>4 from that type of environment?</p> <p>5 A. Yes.</p> <p>6 Q. And you actually tried to -- in some</p> <p>7 respects to -- to help protect Maria Walls from</p> <p>8 that conduct by putting up the cameras and taking</p> <p>9 the concerns to county council?</p> <p>10 A. Yes.</p> <p>11 MR. J. ANDERSON: Objection.</p> <p>12 BY MR. CROSBY:</p> <p>13 Q. Go over to page -- let me -- let me ask</p> <p>14 something before this. There is always this issue</p> <p>15 about Jim Beckert that seems to permeate, and that</p> <p>16 is that no one could do anything about him because</p> <p>17 he was an elected official. That was -- and you</p> <p>18 and I have talked about that, that you didn't have</p> <p>19 statutory authority to control an elected official,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. The office of the auditor and the</p> <p>23 treasurer are in county-owned property?</p> <p>24 A. Beg your pardon?</p> <p>25 Q. The offices of both the treasurer and</p>

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Page 66	<p>1 the auditor are located in county-owned property?</p> <p>2 A. Yes.</p> <p>3 Q. And I take it the county provides a</p> <p>4 budget for their offices?</p> <p>5 A. County council does the appropriation</p> <p>6 for each of the units.</p> <p>7 Q. Was there ever any discussion while you</p> <p>8 were employed with the county about separating the</p> <p>9 offices or moving Jim Beckert's office to another</p> <p>10 location?</p> <p>11 A. Well, we had discussions because we</p> <p>12 were locating satellite offices and had satellite</p> <p>13 offices for both the auditor, treasurer, and other</p> <p>14 functions on Hilton Head. We remodeled one stop</p> <p>15 for the Bluffton South of the Broad office. But I</p> <p>16 did not engage -- I did not suggest moving</p> <p>17 Mr. Beckert out of his main office as a result</p> <p>18 of -- of these matters.</p> <p>19 Q. Page 8, Paragraph 1.6.</p> <p>20 A. Page 8. Okay. What paragraph?</p> <p>21 Q. 1.6.</p> <p>22 A. All right.</p> <p>23 Q. And this -- point you to that second</p> <p>24 sentence there where it says: Non-employees may be</p> <p>25 reported to appropriate law enforcement, which you</p>	Page 68	<p>1 or sick as a regular employee. There is a separate</p> <p>2 category for elected officials in my opinion. I</p> <p>3 don't know whether it's defined by statute. But he</p> <p>4 is not considered a regular employee for this</p> <p>5 personnel handbook.</p> <p>6 BY MR. CROSBY:</p> <p>7 Q. He signed a copy, didn't he?</p> <p>8 A. He signed -- all the elected officials</p> <p>9 sign these copies to accept the handbook as a tool</p> <p>10 for new hires in terms of defining the</p> <p>11 relationships between the hiring authority and the</p> <p>12 employee.</p> <p>13 Q. Do you have any understanding as -- as</p> <p>14 to whether Mr. Beckert currently is allowed in the</p> <p>15 county building?</p> <p>16 A. Well, I don't have any direct</p> <p>17 knowledge, but I have received a few phone calls</p> <p>18 that he has been moved to another location.</p> <p>19 Q. And -- and I guess that's what I was</p> <p>20 getting at. I mean, council apparently took that</p> <p>21 step and made that decision currently, and that</p> <p>22 was -- all this was just directed as whether or not</p> <p>23 that had ever come up in your tenure about moving</p> <p>24 him?</p> <p>25 A. No. Not to remove him from his office</p>
Page 67	<p>1 did that, and I believe Mr. -- Ms. Walls may have</p> <p>2 done that over time. And it says that and/or</p> <p>3 barred from the premises.</p> <p>4 Do you have -- and what you're telling</p> <p>5 me is that never was a discussion between you and</p> <p>6 council to your recollection as to whether</p> <p>7 Mr. Beckert could be moved and barred from the</p> <p>8 premises over in Ribaut Road?</p> <p>9 A. Well, two things: One, this particular</p> <p>10 paragraph I would question as to whether it applies</p> <p>11 to an elected official or not. And in that sense,</p> <p>12 to answer your question directly, I did not have</p> <p>13 any discussions regarding removal of Mr. Beckert</p> <p>14 from any of his offices to someplace else as a</p> <p>15 result of these discussions we're having here.</p> <p>16 Q. Well, it has two categories of people,</p> <p>17 either employees or non-employees?</p> <p>18 A. Right.</p> <p>19 Q. And Mr. Beckert, what you told me, is</p> <p>20 not an employee?</p> <p>21 MR. J. ANDERSON: Objection.</p> <p>22 THE WITNESS: In my interpretation,</p> <p>23 Mr. Beckert is an elected official and not an</p> <p>24 employee in the sense that he's required to work a</p> <p>25 40-hour week, that he's required to accrue vacation</p>	Page 69	<p>1 location.</p> <p>2 Q. And the county owns the building and</p> <p>3 controls the building, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And presumably since they've done it</p> <p>6 now, had council wanted to take that action when</p> <p>7 you first brought these complaints to their</p> <p>8 attention, they could have done so?</p> <p>9 MR. BUYCK: Note my objection.</p> <p>10 MR. J. ANDERSON: Objection.</p> <p>11 MR. BUYCK: In a matter of law.</p> <p>12 THE WITNESS: Well, I suppose they</p> <p>13 could have. I don't know if it was offered as a</p> <p>14 solution.</p> <p>15 BY MR. CROSBY:</p> <p>16 Q. That -- it would be council that would</p> <p>17 have to make that decision, correct? It wouldn't</p> <p>18 be --</p> <p>19 A. It's not me.</p> <p>20 Q. You wouldn't have that power?</p> <p>21 A. Huh-uh. Maybe the governor.</p> <p>22 Q. And with regard to the employees, there</p> <p>23 is certain rules set out in here about conduct and</p> <p>24 a lot of other stuff, but how employees are to</p> <p>25 conduct themselves as county employees. And there</p>

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<p>1 Eargle versus Horry County?</p> <p>2 A. No.</p> <p>3 Q. Okay. So when you had issues in</p> <p>4 regards to disputes between the auditor's office</p> <p>5 and the treasurer's office, I believe at one time</p> <p>6 you reached out to the department of revenue at --</p> <p>7 you've testified to --</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. More than one occasion, I believe?</p> <p>10 A. That's right. More than one occasion.</p> <p>11 Q. And, in fact, Mr. Beckert and Ms. Walls</p> <p>12 would come into their offices with their own</p> <p>13 political stances, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And, in fact, they -- they tend to have</p> <p>16 differing political stances on how these tax</p> <p>17 revenues and -- and valuation of properties and</p> <p>18 whatnot should be applied, correct?</p> <p>19 A. They would have varying opinions. Yes,</p> <p>20 that's correct.</p> <p>21 Q. And those were things that you were</p> <p>22 trying to have their offices come together and --</p> <p>23 and be able to make a determination as to the</p> <p>24 appropriate way the county could get the tax bills</p> <p>25 out and the appropriate way for them to work</p>	<p>1 statutes in regards to his political view as to</p> <p>2 those statutes many times; would he not?</p> <p>3 A. Right. He would.</p> <p>4 Q. So he was presenting his political</p> <p>5 position many times in these disputes between he</p> <p>6 and Ms. Walls?</p> <p>7 A. I would -- I would -- I would qualify</p> <p>8 it by saying a political view -- I'm not sure if</p> <p>9 he -- his motives were political. But he certainly</p> <p>10 had differing opinions as to what the statute</p> <p>11 intended.</p> <p>12 Q. Okay. Well, let me ask you this: Were</p> <p>13 you involved in the recent millage disputes?</p> <p>14 A. No.</p> <p>15 Q. Okay. So that was after your tenure as</p> <p>16 the administrator for Beaufort County?</p> <p>17 A. There were -- every year there is</p> <p>18 discussions as to what the appropriate one mill</p> <p>19 value is. If you're referencing the most recent</p> <p>20 dispute, I'm not involved in that. But during my</p> <p>21 tenure, there were questions as to what the</p> <p>22 appropriate values were.</p> <p>23 Q. And do you recall even seeking the</p> <p>24 department of revenue to come down and offer</p> <p>25 seminars to both the auditor's departments and the</p>
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<p>1 together in harmony to produce the products that</p> <p>2 each of their offices required, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Now, in regards to the performances of</p> <p>5 their jobs, are you aware of attorney general</p> <p>6 opinions that were sought by both Ms. Walls as well</p> <p>7 as Mr. Beckert in regards to what their</p> <p>8 responsibilities and duties may be?</p> <p>9 A. You know, I'm aware that they</p> <p>10 probably -- they did ask attorney general office</p> <p>11 for an opinion. I don't remember exactly what</p> <p>12 those -- what their letters requesting an opinion</p> <p>13 resulted in, but I do think that they sought</p> <p>14 guidance from that office.</p> <p>15 Q. And you talked earlier about how many</p> <p>16 times you have to look to courts, judges, and</p> <p>17 precedence to make a determination of the true</p> <p>18 interpretation of a statute, correct?</p> <p>19 A. Yes.</p> <p>20 Q. I mean, different people can look at</p> <p>21 statutes and have differing opinions as to their</p> <p>22 affect and implications many times, correct?</p> <p>23 A. Absolutely.</p> <p>24 Q. And Mr. Beckert would come to you and</p> <p>25 to others with his interpretations of those</p>	<p>1 treasurer's departments on certain issues such as</p> <p>2 the values of mills?</p> <p>3 A. Yes. They said they didn't know the</p> <p>4 route to Beaufort County, so they tried to avoid</p> <p>5 us. No, I'm just kidding. I'm throwing some</p> <p>6 light --</p> <p>7 The department of revenue, we</p> <p>8 requested -- I requested, I think both Mr. Beckert</p> <p>9 and Ms. Walls requested assistance from the</p> <p>10 department of revenue to help guide the county, per</p> <p>11 se, through that process. And it never really got</p> <p>12 resolved by the department of revenue.</p> <p>13 And one of the reasons I think -- I</p> <p>14 don't know if I should -- one of the reasons I</p> <p>15 believe that the department of revenue recognizes</p> <p>16 the authority given elected officials like the</p> <p>17 auditor or treasurer or county council is that that</p> <p>18 authority is passed to them by the voters.</p> <p>19 And in South Carolina, you don't have</p> <p>20 uniform systems. Some may have more sophisticated</p> <p>21 computer, others may not. How disputes are handled</p> <p>22 and how the department -- or the board of</p> <p>23 equalization's handled, I believe the department of</p> <p>24 revenue cast a thousand different varying opinions</p> <p>25 predicated on the individual circumstances of any</p>

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Holland, Aliciav. Beaufort County et al

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<p style="text-align: right;">Page 134</p> <p>1 requirements and be paid the full salary, no 2 question. 3 We offered to every elected official 4 the opportunity to contact the legal department 5 with any question that they had regarding a legal 6 matter to get an opinion. That seemed to be a 7 reasonable approach. Simply because we were paying 8 attorneys for legal advice, why not allow an 9 elected official to do that? 10 Q. But does that elected official have an 11 attorney-client relationship with the county 12 attorney? 13 A. Once it's established, I would assume 14 they do. 15 Q. That's your -- that's your opinion on 16 that matter? 17 A. Well, it depends on whether or not the 18 elected official requests a privileged 19 communication between that elect -- themselves and 20 the attorney. If it's not proffered as a 21 privileged communication, then it's a public record 22 available to anyone. 23 And particularly, I remember the 24 sheriff and I arguing constantly because he wanted 25 to have his own attorney, and I felt that it --</p>	<p style="text-align: right;">Page 136</p> <p>1 MR. CROSBY: I've just got a couple of 2 follow-ups. 3 EXAMINATION 4 BY MR. CROSBY: 5 Q. When you took action after your 6 employees -- the staff complained or brought to you 7 complaints about Beckert's -- Beckert's conduct 8 toward them, and you sealed off the -- your part of 9 the building, I mean, you made a determination that 10 what they were telling you had merit and you needed 11 to protect them? 12 MR. J. ANDERSON: Object to the form. 13 THE WITNESS: My answer is yes, that I 14 felt that separation created, on a daily basis, a 15 work environment wherein they could feel 16 comfortable. But my style as a county 17 administrator is that I strongly believed in the 18 delegation of authority and responsibility to my 19 employees or department heads. 20 That being said, I knew that it was 21 unreasonable to create a fence so that each party 22 would continuously be separated. And so what I 23 tried to do on those occasions where the level of 24 expertise required a Monica Spells to be present in 25 a meeting on an issue where Mr. Beckert would</p>
<p style="text-align: right;">Page 135</p> <p>1 that was not necessary, that there was enough legal 2 precedent in most cases where he could get the same 3 advice from a person of -- I'm paying rather than 4 paying for a second attorney. 5 Q. That's -- all right. Do you know if 6 successive administrators felt the same way that 7 you did? 8 A. I don't -- I don't -- I -- I do not 9 know any of the people -- you know, you have to 10 figure it this way: People referred to me as the 11 legend that can't be replaced. I have -- I have no 12 idea whether they felt one way or another. I just 13 thought I'd throw that in because, you know, 14 sometimes it can get too heavy in these rooms. 15 I don't -- I don't mean to -- this is 16 very serious. I don't know what they thought, and 17 I believe they had the right and privilege to do 18 whatever they wanted to do within the confines of 19 their agreement with county council. 20 MR. J. ANDERSON: Okay. Well, I thank 21 you for your time. 22 THE WITNESS: Thank you. 23 MR. J. ANDERSON: I really appreciate 24 it. And I've got no further questions unless these 25 two gentlemen do.</p>	<p style="text-align: right;">Page 137</p> <p>1 attend, I generally would insert myself as a level 2 of reasonableness and comfortability for both Jim 3 and for my employee, whoever had to be in the 4 meeting. 5 BY MR. CROSBY: 6 Q. Yeah. I'm -- and -- and I'm just 7 talking about it in the simplest terms. You -- 8 from what you'd seen, you had no reason to doubt 9 that Monica Spells and these other employees were 10 accurately relaying their concerns to you about 11 Mr. Beckert's conduct toward them? 12 A. I had no reason to believe that what 13 was being told to me by my staff, by any individual 14 of my staff, was inaccurate. It was their feeling, 15 and I respected their feelings. 16 Q. And the same holds true for the 17 concerns that Maria Walls relayed to you about 18 Mr. Beckert's conduct toward her? 19 A. That's correct. I -- I never tried to 20 insert myself to try to change how a person felt 21 about a circumstance or a meeting or a discussion. 22 I respected their point of view face value, and it 23 was a requirement where I could insert myself to 24 mitigate; if that's what I felt was necessary, 25 tried to do that. Oftentimes I -- I was limited in</p>

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In the Matter of:

ALICIA HOLLAND

VS.

**BEAUFORT COUNTY, and JAMES BECKERT,
Individually, and in his official capacity**

Ebony Sanders

September 28, 2021



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Ebony Sanders - 9/28/2021

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1 BY MR. CROSBY:
 2 Q Well, I -- I don't want to misstate what
 3 she said. What did she end up ultimately deciding?
 4 A I cannot remember verbatim what she said
 5 because it's been a while.
 6 Q What did you take away from it?
 7 A What I took away from it, that it was no
 8 find of -- that it's -- just didn't find a fault.
 9 Q Did -- did anything -- to -- to your
 10 knowledge, was any action taken by the county as a
 11 result of your grievance?
 12 A Yes.
 13 Q What -- what -- what came about?
 14 A From what I understand, the county
 15 administrator, at the time, Ms. Ashley Jacobs, she
 16 intervened in between myself and Mr. Beckert. Any
 17 correspondence, any discussions, any conversation
 18 was to go through her. She acted as a shield
 19 between the two of us. I would not have direct
 20 contact with him.
 21 Q Does that remain the same today?
 22 A That is correct.
 23 Q When -- when did that go in place?
 24 A That went in place immediately after I
 25 wrote the objection before Ms. Edwards got involved.

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1 Q So everything that went between you and
 2 Mr. Beckert then had to be filtered through the
 3 county administrator?
 4 A That is correct.
 5 Q Did that help?
 6 A Yes. It did.
 7 Q And at some point in time, Mr. Beckert
 8 was -- his office was relocated?
 9 A That is my understanding.
 10 Q Does he still maintain an office space in
 11 the administrative building?
 12 A I do not know if he's there or not. The
 13 auditor's office has an office space, but not -- him
 14 personally, I do not know the answer to that.
 15 Q Have you seen him in the building?
 16 A No. No.
 17 Q Have you heard any talk about him climbing
 18 into his office through his window?
 19 A No. No.
 20 Q Not -- not something that you have heard?
 21 So at least as far as you're concerned, the efforts
 22 filtering -- putting a filter in place and, I guess,
 23 ultimately, removing Mr. Beckert from the
 24 administrative building has helped your situation?
 25 A Yes, sir.

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1 Q Do you know whether Mr. Beckert ever
 2 responded to your grievance, or if he was asked to
 3 respond to it?
 4 A No. I'm not -- I'm not sure if he was or
 5 not.
 6 Q You weren't provided with any response
 7 from Mr. Beckert?
 8 A No, sir. I was not.
 9 Q Are all the statements that you have here
 10 in -- as far as Mr. Beckert's conduct toward you
 11 that are outlined in your grievance -- are those
 12 true statements?
 13 A Yes, sir. They are.
 14 Q And how did -- I mean, you got to the
 15 point a year and a half after you're in this job.
 16 Tell me how you were feeling as a result of Mr.
 17 Beckert's conduct toward you.
 18 A It was demeaning. It was unbearable at
 19 times. I felt uneasy. I felt that my job was in
 20 question. I felt that individuals doubted -- I felt
 21 he put people -- doubt in people mind that I had the
 22 ability and should have the job that I hold -- the
 23 position I hold.
 24 Q Was that a constant set of emotions that
 25 you went to work with?

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1 A Yes.
 2 Q And were people within your office
 3 experiencing -- expressing to you that they were
 4 experiencing similar emotions?
 5 A Yes. There was a high level of
 6 frustration amongst myself and others in the office.
 7 Q Was the environment that was being created
 8 by Mr. Beckert conducive to good governance --
 9 MR. ANDERSON: Object to the form.
 10 BY MR. CROSBY:
 11 Q -- in getting the work of -- of your
 12 office done?
 13 A No. There were bottlenecks that was -- he
 14 created.
 15 Q And tell me just an example of how he
 16 would do that.
 17 A Not producing tax bills that the statute
 18 says that we -- that must be produced that the
 19 assessor has to have a bill produced is one example.
 20 Q And would he -- what was his explanation
 21 for not producing tax bills?
 22 A He -- in those cases, we would -- wanted
 23 us to prove to him the legitimacy of it.
 24 Q And were any of the -- was he able to ever
 25 show that his claims that things were not legitimate

7 (Pages 25 to 28)



Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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1 treatment of his staff?

2 A. He -- he complained -- we're not

3 talking about his job performance now.

4 Q. Right.

5 A. We're talking about treatment.

6 Q. Right.

7 A. Okay. Gary and I had -- Gary -- Gary

8 told me on several occasions that Jim Beckert

9 was -- I don't want to misquote Gary and it's very

10 difficult to try to remember his exact words, but

11 I'm trying. I'm going to have to paraphrase

12 because I'm not sure of his exact words, that he

13 was harassing some employees.

14 Q. Did Gary inform you of any action that

15 he had taken to protect those employees?

16 A. Yes. Gary -- I was chairman during

17 some of that -- oh, excuse me, I forgot to turn my

18 phone off. I'm sorry. Oh, shoot. Sorry. I

19 forgot to turn my phone off.

20 MR. BUYCK: If you need to get that

21 call you're welcome to.

22 THE WITNESS: What's that?

23 MR. BUYCK: If you need to get that

24 call --

25 THE WITNESS: No, no, no. I -- it's --

Page 11

1 I'll call them back.

2 Again, would you repeat the question?

3 I'm sorry I was interrupted.

4 BY MR. CROSBY:

5 Q. I believe the question was did Gary

6 ever tell you or did you learn of any actions that

7 Gary had taken to protect any of the County

8 employees from Jim Beckert's harassment?

9 A. Yes.

10 Q. What -- what did you learn?

11 A. He told me on numerous occasions that

12 he had gone to Beckert's office and talked to him

13 and brought Beckert into his office to talk to him

14 to try to prevent some of that behavior.

15 Q. Did you ever learn that he had blocked,

16 basically limited Jim Beckert's access to his

17 part -- part of the building?

18 MR. ANDERSON: Objection.

19 THE WITNESS: I am not aware that Gary

20 Kubic limited Beckert's access to any part of the

21 building or -- I don't remember that that was

22 discussed.

23 BY MR. CROSBY:

24 Q. What about, did you become aware that

25 Gary Kubic, in conjunction with the sheriff's

Page 12

1 office, had installed cameras on the County

2 administration building because of Jim Beckert's

3 peering through Maria Walls' windows?

4 A. Yes.

5 Q. When did you learn of that?

6 A. Well, let's see. Gary left in -- I'm

7 not going to try to pinpoint that date because I

8 don't remember exactly when he left, but sometime

9 prior to Gary leaving he told me that -- he told me

10 he was installing cameras for that purpose. Among

11 others, there were other -- it wasn't the only

12 purpose, but it was a purpose.

13 Q. What you learned is that what prompted

14 it was a complaint from Maria Walls about Jim

15 Beckert peering through her window?

16 A. Yes.

17 MR. ANDERSON: Object to the form.

18 BY MR. CROSBY:

19 Q. Did -- did he relay to you that Jim

20 Beckert would peer through his window as well?

21 A. On numerous occasions, yes.

22 Q. In your time on County Council, was the

23 issue of Jim Beckert's behavior toward employees

24 and/or Maria Walls ever discussed as an agenda item

25 or in an executive session item where there was

Page 13

1 some effort to determine if anything could be done

2 to stop it?

3 A. I don't recall.

4 Q. Did Gary Kubic ever express to you any

5 frustration about his inability to stop Jim

6 Beckert's behavior?

7 A. Yes.

8 Q. And -- and tell me -- tell me what you

9 recall about that.

10 A. I can remember on several occasions

11 Gary being extremely frustrated because he -- he

12 couldn't figure out how to solve that problem, the

13 Beckert problem, in spite of his efforts.

14 Q. I believe after Maria Walls filed her

15 lawsuit, you were interviewed by the -- the paper

16 and you indicated that -- you acknowledged the

17 complaints that had been received and indicated it

18 had been on an ongoing basis?

19 A. (Indicating an affirmative response.)

20 Q. Is that correct?

21 A. That's correct.

22 Q. And you're quoted in there as saying,

23 "We concluded that because he's an elected official

24 there wasn't a whole lot we can do." And it says,

25 "I never felt comfortable with that because I just

4 (Pages 10 - 13)

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<p>1 kept thinking there has to be something we can do 2 to help these poor people." 3 Do you recall saying that? 4 A. I do. 5 Q. When you say we made the decision or we 6 concluded that there wasn't much could be done was 7 that council concluded or are you talking about 8 County government? 9 A. No, I'm really talking about Gary and 10 myself because my conversations were not with the 11 council itself. We may have had individual 12 conversations. I don't recall that we had a group 13 conversation, a council conserv- -- conversation. 14 But I had many conversations with Gary about it and 15 so I guess the "we" I'm talking about really is 16 Gary and I. I think I was probably chairman at 17 that time. 18 Q. And as chairman you would have had a 19 lot of direct communications with the County 20 administrator? 21 A. Daily. 22 Q. Was there ever a -- a legal opinion 23 that was issued where that was looked at to see if 24 there was anything that could be done? 25 A. I don't have direct knowledge of any</p>	<p>1 BY MR. CROSBY: 2 Q. If there was anything that could have 3 been done within the power of the County 4 administrator or department heads to protect from 5 Jim Beckert's harassing behavior, that should have 6 been done? 7 A. You mean -- I'm still not understanding 8 -- 9 Q. Is it -- 10 A. -- exactly how you're wording the 11 question. 12 Q. Well, would you agree that if there 13 were actions that could have been done to protect 14 from Jim Beckert's harassing behavior, that any 15 available avenue should have been pursued? 16 MR. ANDERSON: Object to the form. 17 THE WITNESS: Oh, absolutely. Would 18 have been, certainly would have been by Gary and my 19 opinion would have been pursued by Gary Kubic and 20 would have been pursued by me in my role. We just 21 never could come up with anything that seemed to 22 have any likelihood of success. It was very 23 frustrating. 24 BY MR. CROSBY: 25 Q. Did you ever have any conversations</p>
Page 15	Page 17
<p>1 conversations that may have taken place between 2 Gary and attorneys or Gary and the governor's 3 office or Gary and whoever. I mean I had second -- 4 I have secondhand information that those 5 conversations took place, but no firsthand 6 information. 7 Q. Did you ever see any -- anything in 8 writing that came to the conclusion that nothing 9 could be done to stop Jim Beckert from harassing 10 employees and others on County property? 11 A. I don't recall seeing anything like 12 that. 13 Q. You certainly felt that -- or -- strike 14 that. 15 You certainly would have liked to have 16 been able to do something to protect these 17 employees from harassment? 18 A. Oh, my gosh, yes. Absolutely. 19 Q. And if there would have been anything 20 within the power of the County administrator that 21 could have been done to protect them, that should 22 have been done, correct? 23 MR. BUYCK: Note my objection. 24 THE WITNESS: Would you repeat that, 25 please.</p>	<p>1 over the years with Maria Walls about her concerns 2 about Jim Beckert's behavior? 3 A. Yes. I can't tell you how many, but it 4 was probably quite a few. 5 Q. Was that something that was a constant 6 topic between you and Maria where she would bring 7 up her concerns about Jim Beckert? 8 A. Yes. 9 Q. In your observations or in what she 10 told you, did you learn as to whether she feared 11 for her physical safety? 12 A. I can't answer that. I don't know the 13 answer to that. 14 Q. But what she would relay to you was 15 that she was being harassed by Jim Beckert? 16 MR. ANDERSON: Objection. 17 THE WITNESS: Yes. 18 BY MR. CROSBY: 19 Q. When -- 20 A. Excuse me, I just remembered I have got 21 another phone to turn off. That's it. I promise 22 there are no more. 23 Q. When -- sometime after Maria Walls 24 filed her lawsuit against the County, did you learn 25 that Jim Beckert's access to the County</p>

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<p style="text-align: right;">Page 18</p> <p>1 Administration Building had been restricted?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me how you came to learn of that.</p> <p>4 A. I believe that the then-County</p> <p>5 administrator told us that -- told the County</p> <p>6 Council at an executive session. It wasn't -- it</p> <p>7 was after Gary. This was Ashley Jacobs.</p> <p>8 Q. She told council that she had taken the</p> <p>9 steps to restrict his access --</p> <p>10 A. Correct.</p> <p>11 Q. -- and prohibit -- prohibit him from</p> <p>12 having any contact with County employees?</p> <p>13 A. Yeah, let me, if I may, clarify</p> <p>14 something I said a minute ago that we had no</p> <p>15 executive sessions to talk about Jim Beckert. That</p> <p>16 was under Gary Kubic. But I can't recall any, but</p> <p>17 now we're moving forward to Ashley Jacobs and under</p> <p>18 Ashley Jacobs we did have, I don't remember, one or</p> <p>19 two, but we had at least one.</p> <p>20 Q. Okay. Well, I was going to ask you</p> <p>21 about Ashley Jacobs. So did Ashley Jacobs ever</p> <p>22 relay comp- -- complaints about Jim Beckert's</p> <p>23 harassment of County employees?</p> <p>24 A. Yes.</p> <p>25 Q. What do you recall about your</p>	<p style="text-align: right;">Page 20</p> <p>1 I just don't recall it. I think I have read every</p> <p>2 article involving Mr. Beckert that's been written.</p> <p>3 I may have missed one because I'm out of town quite</p> <p>4 a bit, but I usually catch up when I come back,</p> <p>5 so...</p> <p>6 Q. Were there any -- ever any discussions</p> <p>7 in executive session about Jim Beckert's treatment</p> <p>8 of County employees?</p> <p>9 A. Yes.</p> <p>10 Q. When -- when would that have occurred?</p> <p>11 A. Sometime in the first half of 2020.</p> <p>12 Q. And what was -- what -- what brought</p> <p>13 that to be an item of executive session?</p> <p>14 A. Well, my impression was that</p> <p>15 Ms. Jacobs -- Ms. Jacobs was extremely frustrated</p> <p>16 dealing with Jim Beckert, as was Gary Kubic, the</p> <p>17 difference being that I had a lot more daily</p> <p>18 communication with Gary Kubic than I had with</p> <p>19 Ms. Jacobs simply because I wasn't the chairman</p> <p>20 beginning in 2020.</p> <p>21 Q. What do you recall about --</p> <p>22 A. Or -- or '19, for that matter.</p> <p>23 Q. What do you recall about the specifics</p> <p>24 that she was relaying to council about her</p> <p>25 frustrations with Jim Beckert?</p>
<p style="text-align: right;">Page 19</p> <p>1 conversations with Ms. Jacobs?</p> <p>2 A. A lot of her complaints about Jim</p> <p>3 Beckert had to do with his job performance.</p> <p>4 Q. Well, would -- I'm talking about</p> <p>5 specific to his harassment of County employees.</p> <p>6 A. Right. I'm trying to recall if she --</p> <p>7 she very well may have, but I can't -- I can't</p> <p>8 swear that that happened, that she did, that she</p> <p>9 talked about his harassment. She very -- I'm sorry</p> <p>10 to say I just don't specifically remember. I had</p> <p>11 so many conversations with so many people about his</p> <p>12 harassment, that I'm not sure if she was one.</p> <p>13 I had conversations with her about Jim</p> <p>14 Beckert, but I'm not sure if harassment was part of</p> <p>15 those con- -- it may -- may well have been, but I'm</p> <p>16 not sure.</p> <p>17 Q. Did she ever relay to you that Jim</p> <p>18 Beckert exhibited harassing behavior toward her?</p> <p>19 A. She never said that directly to me. I</p> <p>20 think -- I think I may have heard that secondhand,</p> <p>21 but I'm not sure.</p> <p>22 Q. Did -- did -- did you read in any</p> <p>23 newspaper articles where she was quoted as that, as</p> <p>24 having been harassed by Jim Beckert?</p> <p>25 A. If there was an article, I read it, but</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I recall that her primary focus was</p> <p>2 getting the tax bills out and getting the --</p> <p>3 closing the books, getting the CAFR out and his --</p> <p>4 his role in those things, particularly the tax</p> <p>5 bills.</p> <p>6 Q. Well, and what about specific to his</p> <p>7 conduct toward County employees and others on</p> <p>8 County property?</p> <p>9 A. It was discussed, but I can't remember</p> <p>10 the particulars of it.</p> <p>11 Q. Was there any executive action</p> <p>12 discussed that -- that was proposed to be taken</p> <p>13 with regard to Jim Beckert's conduct toward County</p> <p>14 employees?</p> <p>15 A. Yes. I don't know who came up with</p> <p>16 this idea. I may have known at the time, but I</p> <p>17 don't know now. Somebody came up with the idea</p> <p>18 that we could exclude him or, I'm sorry, that the</p> <p>19 administrator had control over the building, the</p> <p>20 County Office Building and, therefore, had the</p> <p>21 authority to exclude him from that building and</p> <p>22 that was going to be the action taken and, in fact,</p> <p>23 that was the action taken.</p> <p>24 Q. Now, that was after the lawsuits were</p> <p>25 filed?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. I can't -- I don't know what the</p> <p>2 sequence was.</p> <p>3 Q. Other than that, do you recall any</p> <p>4 action that was discussed with regard to Jim</p> <p>5 Beckert's conduct toward --</p> <p>6 A. Yes, I heard some conversations about</p> <p>7 going to the governor, but they were -- they were</p> <p>8 secondhand conversations and so...</p> <p>9 Q. That was something that was discussed</p> <p>10 in executive session or just something that was</p> <p>11 talked with outside of?</p> <p>12 A. No, I don't recall it being discussed</p> <p>13 in executive session, but I do recall it being</p> <p>14 discussed between myself and Josh Gruber, Gary</p> <p>15 Kubic.</p> <p>16 Q. With regard to the County administrator</p> <p>17 having the power or control over access to the</p> <p>18 buildings, whatever that timing was, was there any</p> <p>19 vote on that or was it just a discussion that she</p> <p>20 actually, the County administrator, possessed that</p> <p>21 power?</p> <p>22 A. My recollection is that in executive</p> <p>23 session, Ashley Jacobs proposed that idea. There</p> <p>24 was never a vote, to my knowledge, and as a -- as I</p> <p>25 recall, she proposed it as something within her</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Was that something that she complained</p> <p>2 to you about on multiple occasions?</p> <p>3 A. Yes.</p> <p>4 Q. Was the -- the complaint typically the</p> <p>5 same, that Beckert was harassing her?</p> <p>6 A. Well, a lot of her complaints had to do</p> <p>7 with his -- because she was the chief financial</p> <p>8 officer and responsible for the finance of the --</p> <p>9 of the County, she -- a lot of her complaints,</p> <p>10 certainly not all of them, but a lot of them had to</p> <p>11 do with his job performance. But yes, she also</p> <p>12 complained about his harassment.</p> <p>13 Q. Did she --</p> <p>14 A. To me.</p> <p>15 Q. -- complain to you that he was causing</p> <p>16 her discomfort and stress?</p> <p>17 A. I'm struggling to answer that question</p> <p>18 because I'm not sure if -- if my conversation with</p> <p>19 her was privileged, so...</p> <p>20 Q. I don't -- I don't know how it would</p> <p>21 be, but as her attorney, it's okay to tell me.</p> <p>22 A. Okay. No, I think there were other</p> <p>23 things that frustrated her as well, but yes, Jim</p> <p>24 Beckert was certainly one of them.</p> <p>25 Q. Did she relay to you that she was</p>
<p style="text-align: right;">Page 23</p> <p>1 authority to do. It didn't require a vote.</p> <p>2 Q. The -- the County does have control</p> <p>3 over the County property, correct?</p> <p>4 A. Absolutely.</p> <p>5 Q. So that's basically what she was</p> <p>6 suggesting is, as in her role as the highest</p> <p>7 ranking County employee, she had the authority to</p> <p>8 make that -- take that type of action?</p> <p>9 MR. BUYCK: Note my objection.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MR. CROSBY:</p> <p>12 Q. There was no vote taken that night</p> <p>13 to -- or in that meeting to give her special power?</p> <p>14 A. No, I only -- I only wish that I had</p> <p>15 thought of it. I only wish Gary Kubic had thought</p> <p>16 of it. As far as I know, Gary Kubic didn't think</p> <p>17 of it, Josh Gruber didn't think of it, and I didn't</p> <p>18 think of it, so, but somebody did at some point and</p> <p>19 I think it -- so...</p> <p>20 Q. Do you re- -- did you have more than</p> <p>21 one conversation with Alicia Holland --</p> <p>22 A. Yes.</p> <p>23 Q. -- about Beckert's behavior towards</p> <p>24 her?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 stressed about whether that Jim was causing her</p> <p>2 stress in -- in doing her job?</p> <p>3 A. Yes.</p> <p>4 Q. Let me give you a couple of documents</p> <p>5 and I'll let him take a break so you can look at</p> <p>6 them.</p> <p>7 MR. CROSBY: What exhibit numbers are</p> <p>8 these?</p> <p>9 MS AVANT: (Inaudible.)</p> <p>10 THE WITNESS: Take a break, like make a</p> <p>11 call? Or take a break, like wait for them?</p> <p>12 MR. BUYCK: You can make a call.</p> <p>13 MR. CROSBY: Let's just go off the</p> <p>14 record.</p> <p>15 THE VIDEOGRAPHER: We are going off</p> <p>16 record. The time is 2:42 p.m.</p> <p>17 (A Recess transpired.)</p> <p>18 (EXHIBIT 14, Letter, 3-6-18, was marked</p> <p>19 for identification.)</p> <p>20 (EXHIBIT 15, E-Mail, 5-21-19, was</p> <p>21 marked for identification.)</p> <p>22 (EXHIBIT 16, E-Mail, 8-7-20, was marked</p> <p>23 for identification.)</p> <p>24 (EXHIBIT 17, E-Mail, 8-19-20, was</p> <p>25 marked for identification.)</p>

7 (Pages 22 - 25)

D. Paul Sommerville
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Page 30	<p>1 around \$10,000?</p> <p>2 A. Yes, I do recall that.</p> <p>3 Q. And that -- that arose because of</p> <p>4 Mr. Beckert's claim that Alicia Holland had</p> <p>5 improperly calculated the millage?</p> <p>6 A. Correct. As I recall, he questioned</p> <p>7 her methodology and demanded that the County do an</p> <p>8 audit or out- -- bring in an outside auditor to</p> <p>9 confirm his -- his belief which was different from</p> <p>10 hers.</p> <p>11 Q. And the results of the outside</p> <p>12 auditor's work confirmed that Ms. Holland was doing</p> <p>13 her calculations correctly?</p> <p>14 A. That's my recollection, yes.</p> <p>15 Q. Exhibit No. 14 is a letter to Alan</p> <p>16 Wilson, the attorney general, in March 6, 2018. Do</p> <p>17 you recall a request about changing the form of</p> <p>18 government?</p> <p>19 A. Yes.</p> <p>20 Q. And on the second page there is a, as</p> <p>21 part of the request, there was a request of the</p> <p>22 attorney general as to whether or not if the</p> <p>23 referendum was successful whether one of the</p> <p>24 positions could be -- remain elected and one of</p> <p>25 them be appointed by the County. Do you recall</p>	Page 32	<p>1 denied access to the County administration</p> <p>2 building, did you learn that he was being granted</p> <p>3 access?</p> <p>4 A. Yes.</p> <p>5 Q. How did you learn that?</p> <p>6 A. It was told to me by a staff member and</p> <p>7 I'm not sure which one or ones it may have been.</p> <p>8 Q. And what was your take on that?</p> <p>9 A. Well, I was surprised and I was</p> <p>10 concerned.</p> <p>11 Q. What were you concerned about?</p> <p>12 A. My -- it was my understanding that he</p> <p>13 had been forbidden to come in the building.</p> <p>14 Q. And also forbidden to have any direct</p> <p>15 contact with any County employees?</p> <p>16 MR. ANDERSON: Object to the form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. CROSBY:</p> <p>19 Q. And that was something that you, as a</p> <p>20 council member, thought was an appropriate action?</p> <p>21 MR. ANDERSON: Objection.</p> <p>22 THE WITNESS: Absolutely. It was the</p> <p>23 first thing that I can recall that had any teeth in</p> <p>24 it. By that -- by that, what I mean is that we</p> <p>25 were -- we could actually do something to help</p>
Page 31	<p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. Why were you making that particular</p> <p>4 request?</p> <p>5 A. This is signed by the assistant County</p> <p>6 attorney, Chris Inglese.</p> <p>7 Q. You're copied on it, but --</p> <p>8 A. Yes.</p> <p>9 Q. -- there would have had to have been an</p> <p>10 approval from -- for him to send that request, it</p> <p>11 was at the request of either council or yourself as</p> <p>12 chairman?</p> <p>13 A. Oh, yeah, I don't specifically remember</p> <p>14 the conversations that led up to it, but I remember</p> <p>15 we talked about it a lot. I say "we." I mean the</p> <p>16 administrator and I talked about it. The vice</p> <p>17 chairman and I talked about it. Some of the</p> <p>18 council members talked about it.</p> <p>19 Q. Is that something that's still under</p> <p>20 review?</p> <p>21 A. Yes.</p> <p>22 Q. Was -- was there ever a response to</p> <p>23 this letter from the attorney general?</p> <p>24 A. I don't know. I don't recall.</p> <p>25 Q. At some point after Jim Beckert was</p>	Page 33	<p>1 these people.</p> <p>2 BY MR. CROSBY:</p> <p>3 Q. And to -- to help shield them from Jim</p> <p>4 Beckert's --</p> <p>5 A. Yes.</p> <p>6 Q. -- harassing behavior?</p> <p>7 A. Yes.</p> <p>8 Q. And just -- just looking over time, his</p> <p>9 behavior over the last several years leading up to</p> <p>10 this decision to restrict his access, it had</p> <p>11 been -- what you were hearing had been pretty much</p> <p>12 the same, the way he was harassing and bullying</p> <p>13 different people?</p> <p>14 A. Yes, but as time went on -- yes, yes.</p> <p>15 Q. As time went on, did it escalate?</p> <p>16 A. I was about to say that as time went on</p> <p>17 there were more and more people involved in those</p> <p>18 conversations.</p> <p>19 Q. And his behavior had been pervasive</p> <p>20 throughout that time and even getting worse?</p> <p>21 MR. ANDERSON: Object to the form.</p> <p>22 THE WITNESS: That's an opinion.</p> <p>23 Perhaps.</p> <p>24 BY MR. CROSBY:</p> <p>25 Q. Well, just the complaints that you --</p>

9 (Pages 30 - 33)

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<p style="text-align: right;">Page 70</p> <p>1 be adequate or suitable or whatever. I don't 2 want to make that a blanket statement, but my 3 knowledge of the interaction with County 4 Administration employees both now and in the 5 past has always been that he is a difficult 6 individual to work with in carrying out the 7 county's business. 8 Q And that was regardless of gender, 9 race, religion, or anything like that? 10 A He is difficult to everyone. 11 Q You made reference to Heidi Lane's 12 Grievance? 13 A Heidi Lane? 14 Q You were asked a question about it? 15 A Yeah, Heidi Lane filed a Grievance. I 16 don't know who it was against. I was never told 17 that. 18 Q So you did not know it was against 19 Alicia Holland? 20 A I did not. 21 That Grievance was against Alicia 22 Holland? 23 Q I believe so. 24 A Alicia Holland wasn't even here when 25 the Grievance was filed that I am talking about.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q Then I will double-check that. 2 A Yeah, I am not sure why it would have 3 been against Alicia Holland. I am not saying it 4 wasn't. 5 Q Okay. 6 A Okay. But I don't know why it would 7 have been. I wasn't ever -- when I received the 8 Grievance I filed it over to, as I would be 9 accustomed to do, filed it over to my HR 10 department and to the Legal Department and asked 11 them to look into it and give me their opinion 12 about what we needed to do with it. 13 I don't know who it was against. I 14 don't think she ever said who it was against in 15 the communications that I received based on what 16 I recall. 17 Q All right. 18 So basically you do not know? 19 A I don't know. I do not know, right. 20 Q And the task that you raised about 21 rerunning tax rolls, were there any other 22 elected officials involved in that process? 23 A What do you mean by involved in the 24 process? 25 Were they involved in running the tax</p>
<p style="text-align: right;">Page 72</p> <p>1 rolls, or were they involved in assisting with 2 things related to the rerunning of the tax roll? 3 Q The way that -- did any of them have 4 any involvement? 5 A It seemed to me that there were things 6 that many employees had to do, including the 7 Treasurer as a result of having to rerun those 8 tax rolls, yes. 9 Q All right. Can you ban a County 10 Council member from the building? 11 A Can I ban a County Council member from 12 a building? 13 Q Yes, from this building? 14 A So that gets into a legal question. 15 And the only reason I know this is -- 16 or I have some familiarity with this is due to 17 my work with the mask mandates. I don't think 18 under state law and based on what I have been 19 told by the Sheriff of this County that we have 20 the right to ban anyone from a public building 21 or declare them to be in a trespass situation. 22 Most recently I had a homeless person 23 camping out outside the Council Chambers here on 24 picnic table. We had to adopt an ordinance for 25 me to be able to prevent that in the future,</p>	<p style="text-align: right;">Page 73</p> <p>1 because there was no way for me to remove that 2 person legally from the property without 3 adopting that ordinance banning camping on 4 public property. 5 Q So you are unable to ban anyone from 6 the administration building? 7 MS. AVANT: Object to the form. 8 THE WITNESS: So again, I could 9 tell someone that they can't come into 10 the building as County Administrator. 11 I don't know how enforceable that would 12 be if they challenged it. That would 13 be something for the legal system to 14 weigh in on and make a determination 15 on. 16 BY MR. J.J. ANDERSON: 17 Q So the County Council's status as 18 elected officials would not weigh in on your 19 evaluation as to whether or not you can ban them 20 from the administrative building? 21 A Well, so I don't think as -- you know, 22 so the County Council is a little different 23 situation I think, and you are asking me 24 something here that, you know, I feel like is 25 trying to catch me into something.</p>



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<p style="text-align: right;">Page 74</p> <p>1 Banning a legislative official from a 2 County building, I don't know that I as the 3 County Administrator would have that authority. 4 That would seem to me that it could be something 5 that the County Council would have to vote on, 6 because that would be a -- they regulate 7 themselves. 8 I don't have any ability to regulate 9 County Council in my mind as County 10 Administrator. I work for them. They hire me. 11 So I don't think I could tell them what they 12 could or could not do. 13 I am charged with the responsibility of 14 managing County properties and facilities, and 15 that is why I continued the policy that was in 16 place when I took over as County Administrator, 17 regardless of how I might have felt about such 18 policies personally. 19 Q All right, thank you. I think that is 20 all the questions I have. 21 MR. BUYCK: I have no questions. 22 MS. AVANT: Then I am good. 23 BY MR. J.J. ANDERSON: 24 Q I have been given the Grievance, the 25 written Grievance of Heidi Lane.</p>	<p style="text-align: right;">Page 75</p> <p>1 A Okay. 2 Q And just the bottom line is: "I would 3 like to receive an apology from Miss Holland in 4 writing. This apology should be provided to the 5 same individual who received her original 6 Email." 7 A When was that? What was date on that 8 Grievance? 9 Q I don't have a date on it. I have got 10 a Bates Number on it. 11 MR. JOHN ANDERSON: I think the 12 date of the incident is in the first 13 paragraph. 14 BY MR. J.J. ANDERSON: 15 Q It is in reference to an Email sent by 16 Alicia Holland on May 14, 2019. 17 A Okay, I wouldn't have been -- I 18 wouldn't have been County Administrator at that 19 point. 20 Q Okay. 21 REDIRECT EXAMINATION 22 BY MS. AVANT: 23 Q When did you receive the Grievance from 24 Heidi Lane. 25 A I don't remember the date.</p>
<p style="text-align: right;">Page 76</p> <p>1 Q Was it during your time as County 2 Administrator I am assuming? 3 A Yes. 4 Q Was it in the last six months? 5 A It could have been. I don't know. 6 Q Is it possible Miss Heidi Lane filed an 7 additional Grievance? 8 A It is possible. 9 Q Would you have received one from -- 10 MS. AVANT: When was that? 2019? 11 2018? 12 MR. J.J. ANDERSON: 2019? 13 BY MS. AVANT: 14 Q Would you have received a Grievance in 15 2019? 16 A I could have if she filed it again. I 17 mean I don't know. 18 Again, I don't know the details of the 19 Grievance. I just know it was within my time as 20 County Administrator because I filed -- I would 21 do what I would do and that was to get my HR 22 department and my Legal Department involved in 23 it immediately. 24 I administrate by collaboration and 25 through team work. I very seldom do anything on</p>	<p style="text-align: right;">Page 77</p> <p>1 my own without talking to other folks that need 2 to be involved in advising me on how the 3 appropriate way to do that. I have done that 4 constantly with issues involving Mr. Beckert. I 5 have cause. 6 I very seldom respond to Mr. Beckert on 7 my own without having discussed something that 8 has sent to me to ask me to do or directed me to 9 do or whatever. I do not respond unless I have 10 discussions with the appropriate people that 11 know more details about those matters than I do. 12 MS. AVANT: I don't have anything 13 else for you. 14 CROSS-EXAMINATION 15 BY MR. BUYCK: 16 Q I have a couple quick questions in 17 follow-up in regards to Miss Holland. 18 Was she employed with Beaufort County 19 when you became acting, interim or the permanent 20 County Administrator? 21 A No. 22 Q Have you ever held any position or 23 supervisory position over Miss Holland in any 24 way? 25 A I have not.</p>





Deposition of:
Suzanne D. Gregory
April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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April 7, 2021

Page 18	<p>1 personnel files of those involved?</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. What is your understanding of the</p> <p>4 computer acceptable use policy?</p> <p>5 A. As -- as I can remember it, it was not</p> <p>6 to be used for personal use, to view any obscene</p> <p>7 material. It was a lengthy policy. That's the two</p> <p>8 things I can remember right off.</p> <p>9 Q. Okay. And I apologize for not</p> <p>10 mentioning this first. I believe a version of this</p> <p>11 policy begins on Page 58 --</p> <p>12 A. Okay.</p> <p>13 Q. -- if you want to flip to that.</p> <p>14 Is it your understanding that all</p> <p>15 network systems, computers, e-mail addresses,</p> <p>16 issued cell phones, phone systems, letterhead all</p> <p>17 belong to Beaufort County?</p> <p>18 A. Yes.</p> <p>19 Q. And on Page 59, there is a heading that</p> <p>20 says: Scope. What's your understanding of the</p> <p>21 scope of this policy?</p> <p>22 A. Well, pretty much as its written here,</p> <p>23 to -- to ensure that it's used for business</p> <p>24 purposes and to protect the county and employees.</p> <p>25 Q. And -- and under Scope it lists out a</p>	Page 20	<p>1 Q. And -- and just off the top of your</p> <p>2 head, do -- can you give me some examples of the</p> <p>3 type of training that Beaufort County wanted its</p> <p>4 employees to receive? And I understand some of it</p> <p>5 may be job-specific. I'm --</p> <p>6 A. Right.</p> <p>7 Q. I'm looking more for -- for something</p> <p>8 that every employee should have to take.</p> <p>9 A. There was harassment training, sexual</p> <p>10 harassment training, diversity training, e-mail</p> <p>11 usage training, and I believe there was one other</p> <p>12 that cannot recall right now.</p> <p>13 Q. And would elected officials also have</p> <p>14 to participate in this training?</p> <p>15 A. We -- it's my understanding that we</p> <p>16 cannot require them to participate.</p> <p>17 Q. When an employee's hired to the county,</p> <p>18 a new employee, what happens from the time they're</p> <p>19 hired until they start performing their job duties?</p> <p>20 Do they go through some training and orientation,</p> <p>21 for example, something like that?</p> <p>22 A. At the time I left there, there was an</p> <p>23 orientation -- new hire orientation where they</p> <p>24 filled out all the necessary paperwork, they were</p> <p>25 provided any benefits that they cared to sign up</p>
Page 19	<p>1 couple of examples of -- of different types of</p> <p>2 people that fall into -- into the scope of this</p> <p>3 policy. And these different, you know,</p> <p>4 categorizations of people. Is it your</p> <p>5 understanding that, you know, essentially anyone</p> <p>6 who is given access to county e-mail, county</p> <p>7 computer systems, county network systems, a county</p> <p>8 phone, and letterhead would be under the</p> <p>9 responsibility to abide by this policy?</p> <p>10 A. Yes.</p> <p>11 Q. Is it also your understanding that this</p> <p>12 policy applies to any activity that -- that would</p> <p>13 be in violation of sexual harassment or a hostile</p> <p>14 work environment?</p> <p>15 A. Yes.</p> <p>16 Q. And that would also include anything</p> <p>17 like slander or -- or distributing deliberate</p> <p>18 misinformation?</p> <p>19 A. Yes.</p> <p>20 Q. As director of human resources, were</p> <p>21 you responsible for training provided to county</p> <p>22 employees?</p> <p>23 A. The department was responsible for some</p> <p>24 of the training that county employees received,</p> <p>25 yes.</p>	Page 21	<p>1 for, signed off on any policy statements that we</p> <p>2 required. And then they were sent forth to their</p> <p>3 departments for departmental training.</p> <p>4 Q. And how would Beaufort County ensure</p> <p>5 that -- that all the things you just mentioned were</p> <p>6 completed when a new hire came in?</p> <p>7 A. All of the things that I just mentioned</p> <p>8 were completed in the human resources training</p> <p>9 room. And there was a checklist of all the items</p> <p>10 that had to be done.</p> <p>11 Q. Okay. And that's kind of what I was</p> <p>12 getting at. There -- there is a way to document</p> <p>13 that item A was completed, item B was completed,</p> <p>14 item C was completed, correct?</p> <p>15 A. Yes.</p> <p>16 Q. So walk me through what happens when an</p> <p>17 employee comes in and wants to -- to make a</p> <p>18 complaint to you.</p> <p>19 A. As I recall, when an employee comes in</p> <p>20 with an issue, I discuss it with them. If it's a</p> <p>21 complaint regarding another employee or something,</p> <p>22 I -- I get the information from the employee, I ask</p> <p>23 them to write a statement. And within that</p> <p>24 statement, I also ask them to list any witnesses to</p> <p>25 whatever it is that they are complaining about.</p>

6 (Pages 18 - 21)

Suzanne D. Gregory
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<p style="text-align: right;">Page 38</p> <p>1 abide by the handbook provided by Beaufort County?</p> <p>2 A. It's my understanding once he became an</p> <p>3 elected official, I had no authority to force him</p> <p>4 to abide by the handbook.</p> <p>5 Q. And where did that understanding come</p> <p>6 from? Did someone tell you you didn't have</p> <p>7 authority over an elected official?</p> <p>8 A. I don't know if that was told to me</p> <p>9 directly. But there were a lot of conversations</p> <p>10 about -- and Mr. Beckert forwarded a lot of</p> <p>11 information about the authority of an elected</p> <p>12 official. And because he was not a county</p> <p>13 employee, as the HR director, I would not have</p> <p>14 authority over him, just like I would not have</p> <p>15 authority over a vendor that walked in. If there</p> <p>16 was something going on with a vendor, I would let</p> <p>17 administration know.</p> <p>18 Q. Which department enforces the Computer</p> <p>19 and Information Systems Acceptable Use Policy?</p> <p>20 A. If -- if an employee violated that</p> <p>21 policy and it was brought to the attention of the</p> <p>22 HR department, we would work with the department</p> <p>23 head, as I recall, to decide what to do with that</p> <p>24 employee and -- and take necessary disciplinary</p> <p>25 action.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. With elected --</p> <p>2 MR. BUYCK: Note my objection.</p> <p>3 THE WITNESS: With elected officials,</p> <p>4 yes.</p> <p>5 BY MS. AVANT:</p> <p>6 Q. Okay. And why is that?</p> <p>7 A. Because I have no authority over</p> <p>8 elected officials.</p> <p>9 Q. Has --</p> <p>10 A. They're not county employees.</p> <p>11 Q. Has county administration told you you</p> <p>12 have no authority?</p> <p>13 A. I don't remember if they directly told</p> <p>14 me that, but that is my understanding.</p> <p>15 Q. Was one of those instances with Jim</p> <p>16 Beckert when he was forwarding statutes to you?</p> <p>17 Was him sending you, as I believe you just</p> <p>18 mentioned, him forwarding you a statute letting you</p> <p>19 know that you had no authority over him, was that</p> <p>20 one of those instances?</p> <p>21 A. I cannot recall for sure. I believe he</p> <p>22 had forwarded something to that effect before.</p> <p>23 Yes.</p> <p>24 Q. And do you recall what you did once you</p> <p>25 received that information from Mr. Beckert?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. And whenever we talked about</p> <p>2 that policy earlier, the scope in that policy</p> <p>3 didn't limit it to employees --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- that scope would apply to, as you</p> <p>6 testified earlier, anyone that was given county</p> <p>7 e-mail, county computer, county network systems,</p> <p>8 county-issued phone system, which would include an</p> <p>9 elected official, correct?</p> <p>10 MR. J. ANDERSON: Object to the form.</p> <p>11 BY MS. AVANT:</p> <p>12 Q. You can still answer.</p> <p>13 A. I -- I believe it would, yes.</p> <p>14 Q. So would HR enforce the Computer and</p> <p>15 Information Systems Acceptable Use Policy if an</p> <p>16 elected official violated it?</p> <p>17 A. No.</p> <p>18 Q. So an elected official is not expected</p> <p>19 to abide by the Computer and Information Systems</p> <p>20 Acceptable Use Policy?</p> <p>21 A. No. If I was made aware of a</p> <p>22 violation, I would make administration aware.</p> <p>23 Q. And so you rely on county</p> <p>24 administration to enforce any policies to be taken</p> <p>25 up with an elected official?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I believe any confrontational e-mails I</p> <p>2 got from Mr. Beckert I forwarded either to the</p> <p>3 deputy county administrator or the county</p> <p>4 administrator.</p> <p>5 Q. Did you ever inform anyone in county</p> <p>6 administration about the comments that were made to</p> <p>7 you about Mr. Beckert?</p> <p>8 A. I cannot recall for certain, but I</p> <p>9 believe I would have.</p> <p>10 Q. You believe you would have?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. Is it your understanding that -- that</p> <p>13 county administration and county counsel were aware</p> <p>14 of numerous complaints by females of Beaufort</p> <p>15 County against Mr. Beckert?</p> <p>16 MR. BUYCK: Note my objection.</p> <p>17 MR. J. ANDERSON: Object to form.</p> <p>18 THE WITNESS: I don't know if it was</p> <p>19 just females. I don't recall that. But I believe</p> <p>20 they were aware of complaints regarding</p> <p>21 Mr. Beckert.</p> <p>22 MS. AVANT: I'm going to walk around</p> <p>23 and distribute Exhibit Number 4.</p> <p>24 (PLF. EXHIBIT 4, The Island Packet</p> <p>25 Article Dated 8/19/20, was marked for</p>

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In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

<p style="text-align: right;">Page 17</p> <p>1 official, sign onto the handbook?</p> <p>2 A I don't know that I ever saw his</p> <p>3 signature, but it's my understanding that he did,</p> <p>4 yes. I say I don't know. I don't recall seeing</p> <p>5 it, but I might have. But I think all the elected</p> <p>6 officials decided to go that way, although I don't</p> <p>7 know about the legislative delegation. I see</p> <p>8 Representative Erickson's name is on here, and I</p> <p>9 really don't know what became of that.</p> <p>10 Q I'll pass you Exhibit Number 19.</p> <p>11 (Exhibit 19, 3/28/17 Email to</p> <p>12 Keaveny from Gruber, was marked for</p> <p>13 identification.)</p> <p>14 BY MR. CROSBY:</p> <p>15 Q And I just wanted to point to the --</p> <p>16 maybe that third paragraph, Tom. Looks like an</p> <p>17 email from you to Josh Gruber. I guess you're</p> <p>18 addressing Jim Beckert there?</p> <p>19 A It looks like it's from Josh Gruber to</p> <p>20 me, even though it then says Jim. So I think I</p> <p>21 remember this situation, but let's make sure.</p> <p>22 Yeah, I think this is right. Hold on a second. Do</p> <p>23 you want me to -- are you going to ask me --</p> <p>24 Q No. I was just -- if we look at that</p> <p>25 third paragraph Mr. Gruber writes there, it says:</p>	<p style="text-align: right;">Page 18</p> <p>1 By electronic communication to the county</p> <p>2 administrator, you voluntarily adopted this policy.</p> <p>3 A There you go.</p> <p>4 Q So would that be confirmatory?</p> <p>5 A Yeah, yes, sir.</p> <p>6 Q And this is where Mr. Beckert is</p> <p>7 attempting to require an employee to give 30 days</p> <p>8 notice --</p> <p>9 A Right.</p> <p>10 Q -- of her leaving the county's</p> <p>11 employment?</p> <p>12 A Right.</p> <p>13 Q And Mr. Gruber is pointing to Mr. Beckert</p> <p>14 that he's not allowed to do that?</p> <p>15 A Uh-huh.</p> <p>16 Q That's a yes?</p> <p>17 A Yes.</p> <p>18 Q And Maria Walls, likewise, signed the</p> <p>19 agreement to be bound by the Beaufort County</p> <p>20 employee handbook?</p> <p>21 A I don't know that I ever saw her</p> <p>22 signature, but by virtue of things that have gone</p> <p>23 on with Maria and her employees, I have to believe</p> <p>24 that she agreed to be bound by it.</p> <p>25 Q In order to accept the -- to get the</p>
<p style="text-align: right;">Page 19</p> <p>1 services from the county, there would have to be</p> <p>2 that agreement in place?</p> <p>3 A And I understand she's -- her employees</p> <p>4 have been receiving those services, so I assume</p> <p>5 that she signed the document.</p> <p>6 Q And once the elected official signs that,</p> <p>7 the memorandum, the agreement to be bound by the</p> <p>8 employee handbook and have their personnel, their</p> <p>9 employees abide by the handbook, the county, as is</p> <p>10 pointed out in Exhibit 19, expects the elected</p> <p>11 officials and their employees to abide by the</p> <p>12 handbook?</p> <p>13 MR. BUYCK: Note my objection.</p> <p>14 THE WITNESS: You know, I would say that</p> <p>15 in general, the answer to that question is</p> <p>16 yes, but I don't think that it gave -- it</p> <p>17 certainly didn't give -- in my opinion, it</p> <p>18 didn't give the county administrator authority</p> <p>19 over their employees.</p> <p>20 BY MR. CROSBY:</p> <p>21 Q Right, but you expected that the</p> <p>22 employees abide by the various provisions in the</p> <p>23 handbook?</p> <p>24 A Sure, you know, not to take more vacation</p> <p>25 than you are allotted and what -- all the</p>	<p style="text-align: right;">Page 20</p> <p>1 regulations that are in there, sure, grievance</p> <p>2 procedures, for instance.</p> <p>3 Q To follow the anti-harassment policies?</p> <p>4 A Yes, sir.</p> <p>5 Q Going back to the office space, tell me</p> <p>6 what is the -- that interplay with regard to office</p> <p>7 space between the county and elected officials.</p> <p>8 A So it's been a long time since I've</p> <p>9 looked at the statute that applied, but the state</p> <p>10 statute requires the counties to provide the</p> <p>11 elected officials offices and office equipment and</p> <p>12 office supplies, the things that -- I think the</p> <p>13 statute is very broad and vague. It just -- I</p> <p>14 think it says something like that the county shall</p> <p>15 provide the elected officials the resources</p> <p>16 necessary to perform their functions, and so that's</p> <p>17 what we do. That's what the county does.</p> <p>18 Q And where that office space is located</p> <p>19 is -- that is within the discretion of the county?</p> <p>20 MR. BUYCK: Note my objection.</p> <p>21 THE WITNESS: Well, at some point it is.</p> <p>22 I think it's difficult to -- I think there's</p> <p>23 some case law out there that indicates it's</p> <p>24 difficult to move -- instruct officials to</p> <p>25 move. We haven't ever tried -- I haven't ever</p>

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Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Gary T. Kubic
Holland, Aliciav. Beaufort County et al

April 7, 2021

<p style="text-align: right;">Page 58</p> <p>1 Mr. Beckert let them know.</p> <p>2 Q. Did he ever express his displeasure to</p> <p>3 you?</p> <p>4 A. Oh, yeah.</p> <p>5 Q. That was certainly within your</p> <p>6 authority to take that action, I assume?</p> <p>7 A. Yes. I think there is a -- I'm not</p> <p>8 sure if there is a statute or there is a policy.</p> <p>9 Maybe it's a council policy. But county</p> <p>10 administrators are responsible for the -- all</p> <p>11 buildings of the county, includes maintenance. The</p> <p>12 only caveat would be overall security, which I</p> <p>13 coordinated with the sheriff's office.</p> <p>14 Q. Have you got Exhibit Number 1? Can you</p> <p>15 pass him a copy there?</p> <p>16 A. Give me three minutes so I can read</p> <p>17 this document.</p> <p>18 Q. Just take a second. You probably</p> <p>19 helped write it, so...</p> <p>20 A. I'm familiar with it.</p> <p>21 Q. And that's the county handbook that was</p> <p>22 adopted -- that version looks like August of 2016?</p> <p>23 A. Yes. Resolution 2016/11.</p> <p>24 Q. And I believe that in addition to</p> <p>25 county employees, that the employees of the</p>	<p style="text-align: right;">Page 60</p> <p>1 would be created by having all elected officials</p> <p>2 consent to the rules and regulations of a personnel</p> <p>3 handbook, which then offered a level of expertise</p> <p>4 for HR in terms of consistent management or</p> <p>5 application for vacation, sick leave, whatever the</p> <p>6 provision or idea would be.</p> <p>7 Q. Was the adoption by the elected offices</p> <p>8 of this -- of Exhibit 1, the manual, a part of</p> <p>9 the -- I guess the bargain with the county for --</p> <p>10 to receive HR services and that type of thing?</p> <p>11 A. Yeah. There was a -- sort of a mutual</p> <p>12 understanding that the HR department was under the</p> <p>13 control of the county administrator; however, to</p> <p>14 assist in advertising a position or to assist in</p> <p>15 management or to assist in producing documents on</p> <p>16 behalf of the employee W-2, the actual paychecks,</p> <p>17 how to do electronic deposit, all those things were</p> <p>18 a result of a mutual understanding of how to</p> <p>19 process.</p> <p>20 It didn't necessarily mean that I could</p> <p>21 tell any elected official who to hire. That was up</p> <p>22 to them. But the process of how to manage and what</p> <p>23 was expected of both sides, that was the purpose of</p> <p>24 the handbook: Consistency.</p> <p>25 Q. And consistency on that side, and then</p>
<p style="text-align: right;">Page 59</p> <p>1 auditor's and treasurer's office signed off on that</p> <p>2 document?</p> <p>3 A. I believe all elected officials of the</p> <p>4 county signed off on this document.</p> <p>5 Q. Including council members?</p> <p>6 A. Well, council doesn't hire employees.</p> <p>7 I'm not sure if they did. But all the other</p> <p>8 elected divisions, including I think the</p> <p>9 magistrates, the courts, any other unit that had</p> <p>10 separately had the capability by statute to hire</p> <p>11 their own employees.</p> <p>12 Q. And what was it --</p> <p>13 A. All the hiring of employees for county</p> <p>14 council was done through me. That's why I don't --</p> <p>15 I don't know if county --</p> <p>16 Q. What's the rationale on -- on having</p> <p>17 the other elected officials and their employees</p> <p>18 sign off and adopt this policy?</p> <p>19 A. The recommendation and -- came from our</p> <p>20 outside counsel, I believe, was Attorney Edwards.</p> <p>21 The idea of having a personnel handbook was so that</p> <p>22 the employee and the employer, whether it would be</p> <p>23 county administration, auditor, or treasurer, that</p> <p>24 the expectations and actions of each party would be</p> <p>25 defined in writing, and that the uniform standard</p>	<p style="text-align: right;">Page 61</p> <p>1 there was a centralized -- the elected offices got</p> <p>2 the benefit of using the county's HR services like</p> <p>3 you say for W-2s and --</p> <p>4 A. Right. Producing a paycheck.</p> <p>5 MR. J. ANDERSON: Object to the form.</p> <p>6 MR. BUYCK: Note my objection, too.</p> <p>7 THE WITNESS: What was your question</p> <p>8 again?</p> <p>9 BY MR. CROSBY:</p> <p>10 Q. There was two sides to it. You had</p> <p>11 consistency and policy over here, but also the</p> <p>12 benefit to the elected offices would be consistency</p> <p>13 and the provision of the HR services?</p> <p>14 A. Yeah. There are certain requirements</p> <p>15 that are involved when you hire an employee. One</p> <p>16 is simply recordkeeping, timekeeping,</p> <p>17 hospitalization, how to produce a paycheck. All of</p> <p>18 those things were products of the HR department</p> <p>19 under my administration as county administrator.</p> <p>20 So the idea was instead of having all the elected</p> <p>21 officials having their own HR department, their own</p> <p>22 check writing, their own hospitalization, for</p> <p>23 purposes of efficiency and movement, it -- it was</p> <p>24 under the HR.</p> <p>25 This, also, handbook was not just for</p>

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April 7, 2021

<p style="text-align: right;">Page 62</p> <p>1 elected officials, it's also for the new hires to 2 understand what their responsibilities are to the 3 taxpayer of Beaufort County. 4 Q. Right. This is the exact same handbook 5 that your staff would sign? 6 A. Yes. 7 Q. And it sets forth the expectations with 8 regard to the -- how you expect county employees 9 and those that sign off on this to act in the 10 workplace? It has -- 11 MR. J. ANDERSON: Objection. 12 MR. BUYCK: Note my objection. 13 BY MR. CROSBY: 14 Q. -- certain -- certain forbidden -- 15 or behaviors that are set forth in this? 16 MR. BUYCK: Same objection. 17 MR. J. ANDERSON: Me too. 18 THE WITNESS: It -- it's a -- it's a 19 personnel handbook that offers the elected official 20 the hiring authority and the employee hired by the 21 hiring authority to know in writing what the 22 expectations would be for each side. And so for 23 clarity, and also I think to protect the county 24 overall from random or haphazard claims by 25 employees against the county, if they did not</p>	<p style="text-align: right;">Page 64</p> <p>1 fellow human being. 2 And then it says: The county does not 3 tolerate harassment of any kind and strictly 4 forbids retaliation against anyone who has reported 5 harassment in good faith. 6 A. Yes. That's what it says. 7 Q. And basically it's -- what we've talked 8 about earlier, your efforts that we've talked about 9 to protect your staff and your employees from some 10 of Mr. Beckert's conduct were in effort to provide 11 the working anti -- harassment-free environment to 12 your employees? 13 A. That's correct. That's just sound -- 14 sound management. 15 Q. Because what -- what Mr. Beckert's 16 conduct, as you observed, would -- rose to the 17 level of what one would describe as harassment 18 within this definition? 19 MR. J. ANDERSON: Objection. 20 THE WITNESS: Are you asking me whether 21 or not Mr. Beckert violated this provision as 22 written in the employee handbook? 23 BY MR. CROSBY: 24 Q. That's another way of saying it. 25 A. I would have to say I agree with that</p>
<p style="text-align: right;">Page 63</p> <p>1 follow the handbook, then they have no real 2 position to argue. 3 BY MR. CROSBY: 4 Q. And -- 5 A. So, if they violated procedure, we had 6 the ability to process them through the conditions 7 and the grievance procedures defined in this book. 8 Q. And one of the purposes of the -- some 9 of the language in the handbook is to provide a 10 good working environment by prohibiting such things 11 as sexual harassment? 12 A. Yes. 13 Q. That's something that was strictly 14 forbidden by the county? 15 A. Appropriate behavior. 16 Q. If we look at Page 6 at Paragraph 1.3, 17 it has an anti-harassment policy set forth there. 18 A. Page 6, 1.3, yes. 19 Q. And in the second sentence, it says: 20 In addition to county endeavors to provide a 21 working environment in which employees are free 22 from discomfort or pressure resulting from jokes, 23 ridicule, slurs, gossip, threats, bullying, 24 harassment whether relating to such distinctions or 25 simply resulting from a lack of consideration for a</p>	<p style="text-align: right;">Page 65</p> <p>1 assessment. 2 Q. And what you did to the best of your 3 ability was try to protect the county's employees 4 from that type of environment? 5 A. Yes. 6 Q. And you actually tried to -- in some 7 respects to -- to help protect Maria Walls from 8 that conduct by putting up the cameras and taking 9 the concerns to county council? 10 A. Yes. 11 MR. J. ANDERSON: Objection. 12 BY MR. CROSBY: 13 Q. Go over to page -- let me -- let me ask 14 something before this. There is always this issue 15 about Jim Beckert that seems to permeate, and that 16 is that no one could do anything about him because 17 he was an elected official. That was -- and you 18 and I have talked about that, that you didn't have 19 statutory authority to control an elected official, 20 correct? 21 A. Yes. 22 Q. The office of the auditor and the 23 treasurer are in county-owned property? 24 A. Beg your pardon? 25 Q. The offices of both the treasurer and</p>

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<p style="text-align: right;">Page 66</p> <p>1 the auditor are located in county-owned property?</p> <p>2 A. Yes.</p> <p>3 Q. And I take it the county provides a</p> <p>4 budget for their offices?</p> <p>5 A. County council does the appropriation</p> <p>6 for each of the units.</p> <p>7 Q. Was there ever any discussion while you</p> <p>8 were employed with the county about separating the</p> <p>9 offices or moving Jim Beckert's office to another</p> <p>10 location?</p> <p>11 A. Well, we had discussions because we</p> <p>12 were locating satellite offices and had satellite</p> <p>13 offices for both the auditor, treasurer, and other</p> <p>14 functions on Hilton Head. We remodeled one stop</p> <p>15 for the Bluffton South of the Broad office. But I</p> <p>16 did not engage -- I did not suggest moving</p> <p>17 Mr. Beckert out of his main office as a result</p> <p>18 of -- of these matters.</p> <p>19 Q. Page 8, Paragraph 1.6.</p> <p>20 A. Page 8. Okay. What paragraph?</p> <p>21 Q. 1.6.</p> <p>22 A. All right.</p> <p>23 Q. And this -- point you to that second</p> <p>24 sentence there where it says: Non-employees may be</p> <p>25 reported to appropriate law enforcement, which you</p>	<p style="text-align: right;">Page 68</p> <p>1 or sick as a regular employee. There is a separate</p> <p>2 category for elected officials in my opinion. I</p> <p>3 don't know whether it's defined by statute. But he</p> <p>4 is not considered a regular employee for this</p> <p>5 personnel handbook.</p> <p>6 BY MR. CROSBY:</p> <p>7 Q. He signed a copy, didn't he?</p> <p>8 A. He signed -- all the elected officials</p> <p>9 sign these copies to accept the handbook as a tool</p> <p>10 for new hires in terms of defining the</p> <p>11 relationships between the hiring authority and the</p> <p>12 employee.</p> <p>13 Q. Do you have any understanding as -- as</p> <p>14 to whether Mr. Beckert currently is allowed in the</p> <p>15 county building?</p> <p>16 A. Well, I don't have any direct</p> <p>17 knowledge, but I have received a few phone calls</p> <p>18 that he has been moved to another location.</p> <p>19 Q. And -- and I guess that's what I was</p> <p>20 getting at. I mean, council apparently took that</p> <p>21 step and made that decision currently, and that</p> <p>22 was -- all this was just directed as whether or not</p> <p>23 that had ever come up in your tenure about moving</p> <p>24 him?</p> <p>25 A. No. Not to remove him from his office</p>
<p style="text-align: right;">Page 67</p> <p>1 did that, and I believe Mr. -- Ms. Walls may have</p> <p>2 done that over time. And it says that and/or</p> <p>3 barred from the premises.</p> <p>4 Do you have -- and what you're telling</p> <p>5 me is that never was a discussion between you and</p> <p>6 council to your recollection as to whether</p> <p>7 Mr. Beckert could be moved and barred from the</p> <p>8 premises over in Ribaut Road?</p> <p>9 A. Well, two things: One, this particular</p> <p>10 paragraph I would question as to whether it applies</p> <p>11 to an elected official or not. And in that sense,</p> <p>12 to answer your question directly, I did not have</p> <p>13 any discussions regarding removal of Mr. Beckert</p> <p>14 from any of his offices to someplace else as a</p> <p>15 result of these discussions we're having here.</p> <p>16 Q. Well, it has two categories of people,</p> <p>17 either employees or non-employees?</p> <p>18 A. Right.</p> <p>19 Q. And Mr. Beckert, what you told me, is</p> <p>20 not an employee?</p> <p>21 MR. J. ANDERSON: Objection.</p> <p>22 THE WITNESS: In my interpretation,</p> <p>23 Mr. Beckert is an elected official and not an</p> <p>24 employee in the sense that he's required to work a</p> <p>25 40-hour week, that he's required to accrue vacation</p>	<p style="text-align: right;">Page 69</p> <p>1 location.</p> <p>2 Q. And the county owns the building and</p> <p>3 controls the building, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And presumably since they've done it</p> <p>6 now, had council wanted to take that action when</p> <p>7 you first brought these complaints to their</p> <p>8 attention, they could have done so?</p> <p>9 MR. BUYCK: Note my objection.</p> <p>10 MR. J. ANDERSON: Objection.</p> <p>11 MR. BUYCK: In a matter of law.</p> <p>12 THE WITNESS: Well, I suppose they</p> <p>13 could have. I don't know if it was offered as a</p> <p>14 solution.</p> <p>15 BY MR. CROSBY:</p> <p>16 Q. That -- it would be council that would</p> <p>17 have to make that decision, correct? It wouldn't</p> <p>18 be --</p> <p>19 A. It's not me.</p> <p>20 Q. You wouldn't have that power?</p> <p>21 A. Huh-uh. Maybe the governor.</p> <p>22 Q. And with regard to the employees, there</p> <p>23 is certain rules set out in here about conduct and</p> <p>24 a lot of other stuff, but how employees are to</p> <p>25 conduct themselves as county employees. And there</p>

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Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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D. Paul Sommerville
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1 A. I can't -- I don't know what the
2 sequence was.
3 Q. Other than that, do you recall any
4 action that was discussed with regard to Jim
5 Beckert's conduct toward --
6 A. Yes, I heard some conversations about
7 going to the governor, but they were -- they were
8 secondhand conversations and so...
9 Q. That was something that was discussed
10 in executive session or just something that was
11 talked with outside of?
12 A. No, I don't recall it being discussed
13 in executive session, but I do recall it being
14 discussed between myself and Josh Gruber, Gary
15 Kubic.
16 Q. With regard to the County administrator
17 having the power or control over access to the
18 buildings, whatever that timing was, was there any
19 vote on that or was it just a discussion that she
20 actually, the County administrator, possessed that
21 power?
22 A. My recollection is that in executive
23 session, Ashley Jacobs proposed that idea. There
24 was never a vote, to my knowledge, and as a -- as I
25 recall, she proposed it as something within her

Page 23

1 authority to do. It didn't require a vote.
2 Q. The -- the County does have control
3 over the County property, correct?
4 A. Absolutely.
5 Q. So that's basically what she was
6 suggesting is, as in her role as the highest
7 ranking County employee, she had the authority to
8 make that -- take that type of action?
9 MR. BUYCK: Note my objection.
10 THE WITNESS: Correct.
11 BY MR. CROSBY:
12 Q. There was no vote taken that night
13 to -- or in that meeting to give her special power?
14 A. No, I only -- I only wish that I had
15 thought of it. I only wish Gary Kubic had thought
16 of it. As far as I know, Gary Kubic didn't think
17 of it, Josh Gruber didn't think of it, and I didn't
18 think of it, so, but somebody did at some point and
19 I think it -- so...
20 Q. Do you re- -- did you have more than
21 one conversation with Alicia Holland --
22 A. Yes.
23 Q. -- about Beckert's behavior towards
24 her?
25 A. Yes.

Page 24

1 Q. Was that something that she complained
2 to you about on multiple occasions?
3 A. Yes.
4 Q. Was the -- the complaint typically the
5 same, that Beckert was harassing her?
6 A. Well, a lot of her complaints had to do
7 with his -- because she was the chief financial
8 officer and responsible for the finance of the --
9 of the County, she -- a lot of her complaints,
10 certainly not all of them, but a lot of them had to
11 do with his job performance. But yes, she also
12 complained about his harassment.
13 Q. Did she --
14 A. To me.
15 Q. -- complain to you that he was causing
16 her discomfort and stress?
17 A. I'm struggling to answer that question
18 because I'm not sure if -- if my conversation with
19 her was privileged, so...
20 Q. I don't -- I don't know how it would
21 be, but as her attorney, it's okay to tell me.
22 A. Okay. No, I think there were other
23 things that frustrated her as well, but yes, Jim
24 Beckert was certainly one of them.
25 Q. Did she relay to you that she was

Page 25

1 stressed about whether that Jim was causing her
2 stress in -- in doing her job?
3 A. Yes.
4 Q. Let me give you a couple of documents
5 and I'll let him take a break so you can look at
6 them.
7 MR. CROSBY: What exhibit numbers are
8 these?
9 MS AVANT: (Inaudible.)
10 THE WITNESS: Take a break, like make a
11 call? Or take a break, like wait for them?
12 MR. BUYCK: You can make a call.
13 MR. CROSBY: Let's just go off the
14 record.
15 THE VIDEOGRAPHER: We are going off
16 record. The time is 2:42 p.m.
17 (A Recess transpired.)
18 (EXHIBIT 14, Letter, 3-6-18, was marked
19 for identification.)
20 (EXHIBIT 15, E-Mail, 5-21-19, was
21 marked for identification.)
22 (EXHIBIT 16, E-Mail, 8-7-20, was marked
23 for identification.)
24 (EXHIBIT 17, E-Mail, 8-19-20, was
25 marked for identification.)

7 (Pages 22 - 25)

Ex. 3

Beaufort County Adopts Testimony:

**Topic 18: Each Action Considered by the County in
Response to Allegations Concerning Beckert's Conduct,
Including the Specific Action Considered, the Date of
Each Consideration and the Identity of the Person(s)
Involved in Each Consideration**



Deposition of:
Robert Bechtold

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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April 8, 2021

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1 that falls under my charge also had a complaint.
2 Q. And who was that?
3 A. That was our -- I'm sorry, I don't know
4 why I'm drawing a blank right now. If I could just
5 have a second. That was our assessor.
6 Q. Ebony Sanders?
7 A. Ebony Sanders.
8 Q. What did you learn about Ebony Sanders'
9 issues with Jim Beckert?
10 A. That she filed -- again, I'm really not
11 certain, other than that she filed a complaint
12 against it -- against him. I don't know how it was
13 done or other than -- I believe -- I'm really not
14 certain. I read it in something and before, and
15 this would have been after, you know, I was
16 directed to help move the office and everything. I
17 don't remember if it was the paper or if it was --
18 but I didn't know prior to that.
19 Q. Did you have any involvement in
20 investigating the complaint filed by Ebony Sanders?
21 A. No.
22 Q. Did you ever attend any meetings or
23 accompany Ashley Jacobs to any meetings between her
24 and Jim Beckert?
25 A. No. I don't -- no, I don't believe I

Page 11

1 have ever been in the same room. I don't -- I
2 don't think so, no.
3 Q. At some point in time you were involved
4 in moving the -- the auditor -- the auditor's
5 office?
6 A. I was.
7 Q. Tell me about that.
8 A. I -- Ashley, I believe it was verbally
9 or otherwise, she asked me to find a place for him
10 outside of the main administrative building and I
11 don't know if it was my decision or hers
12 ultimately, but I found a place down there at
13 records management. And I went over to see
14 Mr. Beckert and let him know that we found an
15 alternate location for him. And he -- he had
16 requested that if it were done, if he could have it
17 done outside of normal operational hours. And I
18 said sure. And then I had a crew come over and
19 help move all of the stuff down to the records
20 management building to the ultimate location.
21 Q. When was that?
22 A. I don't know the date.
23 Q. It was sometime before Ashley Jacobs
24 left the County's employment, obviously?
25 A. Yes.

Page 12

1 Q. Do you recall what month it was in?
2 A. I believe it was in the Fall. I mean,
3 really, I believe it was sometime in the Fall.
4 Q. When you met with Ash- -- I mean, with
5 Jim Beckert about moving his office, tell me about
6 any conversations you had with him, other than him
7 asking you to do it outside of operational hours.
8 A. I mean, it -- it was insignificant, so
9 I mean, nothing specific. That was the only
10 request that he made that -- that stuck out to me
11 because I had gone over there to coordinate that
12 with him and so...
13 Q. And did he ask you why he was being
14 asked to move?
15 A. I have -- I mean, I have no idea. This
16 is a, again, 46 departments in my daily activities,
17 I don't know that it's possible for me to retain
18 that, so I don't specifically know.
19 Q. Did he seem to object to having to move
20 offices?
21 A. He did. In fact, I mean, ultimately,
22 he did. So, I don't remember. I mean, again, I
23 don't know really the context of the conversation.
24 I was there to execute something, you know, a
25 directive and so I went, communicated what I needed

Page 13

1 to communicate to him, let him know where it was
2 going to be. He requested that I do it after
3 hours, so I facilitated that.
4 Q. And that's -- that's all I'm asking.
5 You only know what you know.
6 A. Right.
7 Q. And I don't know it until you answer
8 the question.
9 A. Uh-huh.
10 Q. So don't, you know, feel offended by
11 me.
12 A. Oh, I'm not at all. I'm trying to
13 recollect things that I can't and that's
14 frustrating.
15 Q. Some people have good memories and some
16 people don't.
17 You -- what you're telling me is that
18 when you went to move him, Mr. Beckert did not put
19 up any type of opposition, his only request was to
20 do it after hours?
21 A. Yeah, I mean, that was his request.
22 Q. And he complied with the move?
23 A. He did.
24 Q. Now, sometime later I believe you
25 were -- became a point of contact for Mr. Beckert?

4 (Pages 10 - 13)

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1 A. I did.
2 Q. Tell me about that.
3 A. Mr. Greenway and I had a discussion
4 about him -- I mean, I got an additional directive
5 and that directive was to aid Mr. Beckert by being
6 a -- being the throughput for communications to the
7 staff, if that makes sense.
8 Q. You became the -- the conduit for any
9 communications with --
10 A. Yes.
11 Q. -- the County employees?
12 A. Yes.
13 Q. Because Mr. Greenway had told you that
14 he didn't want Mr. Beckert to have any direct
15 contact with the County employees?
16 MR. ANDERSON: Object to the form.
17 You can still answer.
18 BY MR. CROSBY:
19 Q. Correct?
20 A. Yes.
21 Q. So whatever contact, would that have
22 been after David Cadd left the County's employment?
23 A. Yes.
24 Q. And at some point in time you became
25 involved in allow -- escorting Mr. Beckert into,

Page 15

1 back into the building where his office formerly
2 was?
3 A. Yes.
4 Q. Tell me about that.
5 A. There was some communication to
6 Mr. Beckert and a request that he provided a
7 24-hour notice when he needed to come up there and
8 so I had coordinated that with Mr. Beckert. And so
9 he would call me, sometimes on the weekend,
10 sometimes on a Monday to kind of give me a general
11 idea of what his plans were for the week. And then
12 when he arrived at the building, he would contact
13 me via phone or text and he would walk around the
14 front of the building, I would move through the
15 building and let him in the door adjacent to the
16 auditor's office.
17 Q. And who gave the authority for
18 Mr. Beckert to have access to the building?
19 A. Who gave the authority?
20 Q. Correct.
21 A. I'm not certain if that was Ash- -- it
22 was the same standing as I understood it from
23 before. So I don't know, but the notice to come up
24 there, I don't know where that came from, but I
25 mean, ultimately, I wasn't surprised by it so I

Page 16

1 don't know if it was Ashley or Eric when he
2 arrived. I just knew that the frequency was
3 greater because he had relieved Mr. Cadd. So...
4 Q. Prior to Mr. Cadd being relieved, did
5 you escort Mr. Beckert into building during that
6 time?
7 A. No.
8 Q. So this started sometime in 2021?
9 A. Yes.
10 Q. And what I'm trying to get at is, was
11 it your understanding that between Ms. Jacobs and
12 council the decision had been made to move
13 Mr. Beckert's office?
14 A. Yes.
15 Q. Do you know who made the decision to
16 allow Mr. Beckert to be able to return to the
17 auditor's office off of Ribaut Road?
18 A. Do I know who specifically, no, I
19 don't.
20 Q. Did you have any conversations with
21 anyone about any change in the policy of having
22 Mr. Beckert refrain from entering that building?
23 A. No. I mean, again, I think that the --
24 I'm uncertain of where it started, but I know that
25 it was reaffirmed sometime later because it was

Page 17

1 shifted -- whoever, their responsibility was
2 shifted to me, so that's when I got the ground
3 rules and ground work of what that looked like.
4 Q. Of what looked like?
5 A. Of -- of me having to escort him into
6 the building and, I mean, that.
7 Q. Well, I guess that's what I'm trying to
8 get at. Did you have any discussions with
9 Mr. Greenway that there had been some change in
10 policy whereby Mr. Beckert, after Mr. Cadd's
11 departure, could now return to the building?
12 A. I'm sure I had discussions. I mean,
13 nothing remarkable. It was the same standing, as I
14 understood it, the same standing notice and he
15 needed to be escorted into the building. I knew of
16 that prior to and so the discussions were about, I
17 mean, the frequency was all.
18 Q. Well, prior to Mr. Cadd's leaving, you
19 told me that he wasn't entering the building?
20 A. No, I wasn't responsible for that. I'm
21 not certain who was. But I know that after
22 Mr. Cadd's departure that was the task that I'd
23 received.
24 Q. Do you know whether Mr. Beckert was
25 entering the building prior to Mr. Cadd's

5 (Pages 14 - 17)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

<p style="text-align: right;">Page 61</p> <p>1 I can try to -- try to remember some of it. But</p> <p>2 there were several things on the second lawsuit to</p> <p>3 make him -- to ask the court to require him to do.</p> <p>4 One is to maintain an abatement book of taxes that</p> <p>5 are abated, and that's necessary so that bond</p> <p>6 rating agencies and others know what property --</p> <p>7 what property that could generate tax revenue is</p> <p>8 not generating tax revenue due to agreements</p> <p>9 pursuant to state statute. So that's the abatement</p> <p>10 book.</p> <p>11 There was an issue with him getting</p> <p>12 involved in determination or adjudications about</p> <p>13 the applicability of 4 percent versus 6 percent</p> <p>14 assessment ratios on property, which falls within</p> <p>15 the purview solely of Ebony Sanders and the Board</p> <p>16 of Adjustments and Appeals, so to have him stay out</p> <p>17 of that, because he intervened in one case and</p> <p>18 adjudicated himself when he shouldn't have done it.</p> <p>19 And there are a couple of other things</p> <p>20 that we've asked the court to require him to do. I</p> <p>21 just can't remember off the top of my head.</p> <p>22 Q And that one hasn't resulted in an order</p> <p>23 yet?</p> <p>24 A It has not. There have been no orders</p> <p>25 issued in that case. I think his lawyer just filed</p>	<p style="text-align: right;">Page 62</p> <p>1 an answer this month, earlier this month.</p> <p>2 Q Was there ever any consideration of</p> <p>3 filing a similar-type lawsuit against Mr. Beckert</p> <p>4 with regard to his behavior toward county employees</p> <p>5 or Ms. Walls?</p> <p>6 MR. ANDERSON: Objection.</p> <p>7 THE WITNESS: I don't remember having any</p> <p>8 conversations about -- with county council or</p> <p>9 with the administrator about county government</p> <p>10 taking an action, a lawsuit against</p> <p>11 Mr. Beckert, no.</p> <p>12 BY MR. CROSBY:</p> <p>13 Q Subject to the questions about the</p> <p>14 grievances, I'm going to pass you to Mr. Anderson</p> <p>15 and see if he has any questions.</p> <p>16 MR. ANDERSON: I can't hear you. My</p> <p>17 apologies.</p> <p>18 MR. CROSBY: Do you have any questions?</p> <p>19 I was going to pass the witness.</p> <p>20 MR. ANDERSON: Yeah, I do, but can I get</p> <p>21 five minutes? Unless --</p> <p>22 MR. CROSBY: No. Go ahead.</p> <p>23 MR. ANDERSON: Mind if I have five</p> <p>24 minutes?</p> <p>25 MR. CROSBY: Sure.</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. ANDERSON: Thank you.</p> <p>2 THE VIDEOGRAPHER: Off the record at</p> <p>3 11:49.</p> <p>4 (A recess transpired.)</p> <p>5 THE VIDEOGRAPHER: On the record at</p> <p>6 11:53.</p> <p>7 EXAMINATION</p> <p>8 BY MR. ANDERSON:</p> <p>9 Q Good morning, Mr. Keaveny.</p> <p>10 A Good morning.</p> <p>11 Q We've met before. My name is Jon</p> <p>12 Anderson, and I represent Jim Beckert both as the</p> <p>13 auditor and himself personally.</p> <p>14 I have a few questions. I'm going to</p> <p>15 want to get to -- some of them are follow-up to the</p> <p>16 questions you just received. I'd like to direct</p> <p>17 you to 24, to Exhibit 24, and that is the email --</p> <p>18 it says at the top: Holland, Alicia, but it</p> <p>19 starts -- it's a three-page, Holland 299 to 301.</p> <p>20 A Yeah.</p> <p>21 Q Okay. I'm not sure the one you have has</p> <p>22 a Bates stamp on it.</p> <p>23 And who do you think that -- Amelia Furr</p> <p>24 Ruple, she sends an email and says: As you are</p> <p>25 aware, we have been instructed that questions</p>	<p style="text-align: right;">Page 64</p> <p>1 relating to the duties between the auditor and the</p> <p>2 treasurer be resolved by the Beaufort County</p> <p>3 attorney.</p> <p>4 Now, that's a lot of passive writing in</p> <p>5 there. I'm wondering who instructed the DOR?</p> <p>6 A Yeah. So I can't answer that question,</p> <p>7 but I can tell you that when I received it -- I</p> <p>8 have worked with Amelia a lot with regard to</p> <p>9 Mr. Beckert and the issues between the treasurer</p> <p>10 and the auditor since July of 2015, a lot, and I</p> <p>11 kind of read that as Mr. Cleland having</p> <p>12 instructed their -- Mr. Cleland, who's a deputy</p> <p>13 director, having instructed Amelia and Sandy's</p> <p>14 office to refer things to us.</p> <p>15 Because, see, Amelia and Sandy, they work</p> <p>16 in a -- I can't remember what their division is,</p> <p>17 but they're kind of like a training arm of DOR, and</p> <p>18 they provide training and they provide assistance</p> <p>19 to the treasurer and the auditor with regard to the</p> <p>20 tax process.</p> <p>21 Q Let me ask you this: I know right now</p> <p>22 you're deputy, but you've been the county attorney</p> <p>23 for Beaufort. Who is your client?</p> <p>24 A You know, that's a -- who is the -- so</p> <p>25 that's an issue for CLEs, you know, who is your</p>

16 (Pages 61 to 64)



Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Gary T. Kubic
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1 the auditor are located in county-owned property?

2 A. Yes.

3 Q. And I take it the county provides a

4 budget for their offices?

5 A. County council does the appropriation

6 for each of the units.

7 Q. Was there ever any discussion while you

8 were employed with the county about separating the

9 offices or moving Jim Beckert's office to another

10 location?

11 A. Well, we had discussions because we

12 were locating satellite offices and had satellite

13 offices for both the auditor, treasurer, and other

14 functions on Hilton Head. We remodeled one stop

15 for the Bluffton South of the Broad office. But I

16 did not engage -- I did not suggest moving

17 Mr. Beckert out of his main office as a result

18 of -- of these matters.

19 Q. Page 8, Paragraph 1.6.

20 A. Page 8. Okay. What paragraph?

21 Q. 1.6.

22 A. All right.

23 Q. And this -- point you to that second

24 sentence there where it says: Non-employees may be

25 reported to appropriate law enforcement, which you

Page 67

1 did that, and I believe Mr. -- Ms. Walls may have

2 done that over time. And it says that and/or

3 barred from the premises.

4 Do you have -- and what you're telling

5 me is that never was a discussion between you and

6 council to your recollection as to whether

7 Mr. Beckert could be moved and barred from the

8 premises over in Ribaut Road?

9 A. Well, two things: One, this particular

10 paragraph I would question as to whether it applies

11 to an elected official or not. And in that sense,

12 to answer your question directly, I did not have

13 any discussions regarding removal of Mr. Beckert

14 from any of his offices to someplace else as a

15 result of these discussions we're having here.

16 Q. Well, it has two categories of people,

17 either employees or non-employees?

18 A. Right.

19 Q. And Mr. Beckert, what you told me, is

20 not an employee?

21 MR. J. ANDERSON: Objection.

22 THE WITNESS: In my interpretation,

23 Mr. Beckert is an elected official and not an

24 employee in the sense that he's required to work a

25 40-hour week, that he's required to accrue vacation

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1 or sick as a regular employee. There is a separate

2 category for elected officials in my opinion. I

3 don't know whether it's defined by statute. But he

4 is not considered a regular employee for this

5 personnel handbook.

6 BY MR. CROSBY:

7 Q. He signed a copy, didn't he?

8 A. He signed -- all the elected officials

9 sign these copies to accept the handbook as a tool

10 for new hires in terms of defining the

11 relationships between the hiring authority and the

12 employee.

13 Q. Do you have any understanding as -- as

14 to whether Mr. Beckert currently is allowed in the

15 county building?

16 A. Well, I don't have any direct

17 knowledge, but I have received a few phone calls

18 that he has been moved to another location.

19 Q. And -- and I guess that's what I was

20 getting at. I mean, council apparently took that

21 step and made that decision currently, and that

22 was -- all this was just directed as whether or not

23 that had ever come up in your tenure about moving

24 him?

25 A. No. Not to remove him from his office

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1 location.

2 Q. And the county owns the building and

3 controls the building, correct?

4 A. Yes.

5 Q. And presumably since they've done it

6 now, had council wanted to take that action when

7 you first brought these complaints to their

8 attention, they could have done so?

9 MR. BUYCK: Note my objection.

10 MR. J. ANDERSON: Objection.

11 MR. BUYCK: In a matter of law.

12 THE WITNESS: Well, I suppose they

13 could have. I don't know if it was offered as a

14 solution.

15 BY MR. CROSBY:

16 Q. That -- it would be council that would

17 have to make that decision, correct? It wouldn't

18 be --

19 A. It's not me.

20 Q. You wouldn't have that power?

21 A. Huh-uh. Maybe the governor.

22 Q. And with regard to the employees, there

23 is certain rules set out in here about conduct and

24 a lot of other stuff, but how employees are to

25 conduct themselves as county employees. And there

18 (Pages 66 - 69)

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1 obviously he was elected and he was -- you know, I
2 guess, met the age criteria and residency. I'm
3 talking about more of his actual financial
4 qualifications.
5 A. Well, I don't know exactly the
6 circumstances, but there -- circumstances arose
7 where I asked HR to provide me -- because I didn't
8 know that I'd hired Mr. Beckert as a lifeguard, and
9 I didn't know that Mr. Beckert was fired from the
10 magistrate's office.
11 So I checked his application, and quite
12 frankly, I thought it was insufficient, no
13 references of prior employment except for his wife.
14 He listed Beaufort Memorial, but I couldn't get any
15 information, and then I saw the letter coming out
16 of the magistrate's office which basically said he
17 failed in performing his clerk's duties, and they
18 dismissed him.
19 So going back to my earlier comment in
20 the middle of this deposition, if you meet the
21 requirements to run for office and you get elected,
22 it does not mean that you have management
23 experience, that you have intuitive abilities to
24 conduct the operation of any office, it just means
25 that you got one more vote than the guy who's

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1 running against you. And so if the voters
2 determine you're qualified, I guess you're
3 qualified.
4 Q. Notwithstanding that he had been
5 dismissed from employment with the county, he later
6 became auditor?
7 A. That's correct.
8 Q. What was his position with Beaufort
9 Memorial?
10 A. I have no idea. I think he was
11 involved at the -- from memory, I'd have to look at
12 the application. Maybe -- I think it was human
13 resources or something of that sort.
14 Q. Did you try to find out anything about
15 his employment there?
16 A. Yeah. We -- you know, when you list --
17 and, you know, Beaufort Memorial, they're the top
18 employers of the county: School district, Beaufort
19 County government, grocery stores, and hospitals, I
20 mean, there is not too much -- so we said, well,
21 okay, what did he do at the hospital, what was his
22 work experience?
23 We called -- we contacted the hospital,
24 and they said they have no record of his
25 employment. They couldn't provide any

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1 recommendations. So I thought that was odd.
2 It was -- the curiosity rose when we
3 asked for references on the application. And I
4 think it was -- I think the application was for a
5 magistrate position. It might have been for a
6 lifeguard. I'm not sure.
7 Q. Piqued my curiosity as well, and I
8 haven't been able to find out anything either.
9 They have no records, so don't feel bad about that.
10 MR. CROSBY: Did he write -- write that
11 letter? Did Gary write the letter?
12 No. He would have been gone.
13 BY MR. CROSBY:
14 Q. Was there ever any discussion during
15 your employment with the county about this --
16 whether or not there was an ability to change the
17 form of government to have an elected treasurer and
18 a -- one -- either the treasurer or the auditor,
19 one elected and one not?
20 A. Yes.
21 Q. Tell me about that.
22 A. Well, during my tenure, the previous
23 county treasurer, Joy Logan, I started
24 investigating discrepancies in her office in
25 collection. And I determined that she fired an

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1 employee for -- I believe for theft and then
2 rehired her. And I'm not sure if it was during
3 Alicia's tenure or David Starkey, the previous CFO,
4 where I asked for a forensic audit, and we hired an
5 outside firm out of Atlanta. And I can't
6 remember -- KP -- KPG maybe -- and it was
7 determined that there were \$250,000 stolen from the
8 county under Joy Logan.
9 So, at that time I recommended to
10 council take a serious look as to whether or not
11 the processes between the auditor and treasurer
12 necessitated to be two separate offices. And the
13 reason for that was that I thought it would be
14 better to have it under the control of the county
15 administrator.
16 Joy left, I forget who came in her
17 place. Eventually Maria won election. And with
18 these discrepancies between the two departments,
19 Mr. Beckert and -- and Maria Walls, I resurrected
20 the idea, and I think several councilmen also
21 thought it was a good idea to change the form of
22 government, merge those two departments into one.
23 Historically, you needed a checks and
24 balance because the recordkeeping used to be by pen
25 and paper: A billing, a collection, and it was

21 (Pages 78 - 81)

Gary T. Kubic
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<p style="text-align: right;">Page 82</p> <p>1 recorded that way. In today's modern world with 2 technology, it's so easy to have the controls in 3 place to do it with one system instead of two. 4 Several councilmen felt that that would 5 not be approved by -- the merger would be approved 6 by the electorate, which was necessary, but it was 7 discussed in -- in depth at the time. And it arose 8 in several occasions with those two units of 9 government. 10 Q. During your tenure, there was no action 11 taken on -- on that? 12 A. I don't think we ever proposed it to be 13 a consideration. I think -- I'll have to go 14 back -- I don't believe -- was there a vote? I'm 15 not sure. You can't help me, can you? 16 Q. He can't. 17 MR. KEAVENY: I can't. 18 THE WITNESS: I can't remember. Maybe 19 there -- was rejected by council. I can't -- I 20 can't recall. I think there was also some concern 21 by council at the time that we had referendums on 22 sales tax and other issues that they felt had -- 23 more pressing issues for the sales tax to go 24 forward than changing the form of government. I 25 think they felt it was too difficult, didn't want</p>	<p style="text-align: right;">Page 84</p> <p>1 Councilman Flewelling -- and I believe he had 2 mentioned that. And I think Councilman Howard 3 mentioned that she was a neighbor, lived close to 4 Mr. Beckert. Those two come to mind readily. 5 I'm not sure about anybody else. I'm 6 running -- I'm trying to run through who the other 7 councilmen were. 8 I think Sommerville was relatively 9 independent. Stewart was independent. It was just 10 basically, I think, Councilman Flewelling, maybe 11 Councilman Covert toward the end of my 12 administration. 13 Q. Would Councilman Flewelling in your 14 observations take Jim's side in some of these 15 disputes? 16 MR. BUYCK: Note my objection. 17 MR. J. ANDERSON: Object to the form. 18 THE WITNESS: You know, Councilman 19 Flewelling in my opinion is a very good elected 20 official in the sense that he chooses his words 21 very carefully. So I don't think he ever overtly 22 said you got to take Jim Beckert's side. I think 23 he would be more -- expressed -- I think he 24 expressed, hey, let's take another second look at 25 his concerns and see if there would be an ability</p>
<p style="text-align: right;">Page 83</p> <p>1 to give me too much control. 2 BY MR. CROSBY: 3 Q. But it was your thought during that 4 time that the -- those offices would be merged and 5 would -- there would become a county employee or 6 would just those two offices merge and be -- 7 A. I think the -- 8 MR. BUYCK: Note my objection. 9 BY MR. CROSBY: 10 Q. -- one -- one elected office. 11 MR. J. ANDERSON: Same objection. 12 THE WITNESS: I think -- I think it 13 would go under the control of the county 14 administrator as a unit of government. And quite 15 frankly today, I still agree that for efficiency 16 purposes and accountability and ease of operation, 17 that's the way to go. 18 BY MR. CROSBY: 19 Q. Were there any particular members of 20 county council during your tenure that would -- 21 that were close to Jim Beckert, just based on your 22 observations? 23 A. Well, everyone knew that Jim Beckert 24 was the finance chairman for Brian Flewelling, and 25 even in certain sessions or committee meetings,</p>	<p style="text-align: right;">Page 85</p> <p>1 to incorporate either a portion or all of his 2 objections into a process or procedure. 3 MR. CROSBY: Why don't we take just a 4 few minutes break. I'm about -- probably about 5 done. I need to take care of piece of personal -- 6 or other legal business real quick. 7 THE WITNESS: Okay. I got to get my 8 dog out of the cage. 9 THE VIDEOGRAPHER: We are going off 10 record. This is the end of media unit one. The 11 time is 3:24 p.m. 12 (A recess transpired.) 13 THE VIDEOGRAPHER: We are back on 14 record. This is the beginning of media unit two. 15 The time is 3:43 p.m. 16 (PLF. EXHIBIT 8, E-mail Chain with the 17 Top Line E-mail From Joshua Gruber Dated 5/21/14, 18 was marked for identification.) 19 BY MR. CROSBY: 20 Q. Mr. Kubic, you get the opportunity to 21 look over -- 22 A. Yes. 23 Q. -- Exhibit 8? 24 Do you have an independent recollection 25 of -- of that, the contents of Exhibit 8?</p>

22 (Pages 82 - 85)

Gary T. Kubic

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<p style="text-align: right;">Page 90</p> <p>1 A. Yes. Could I stop you for one second?</p> <p>2 Is it possible to --</p> <p>3 Q. Sure.</p> <p>4 A. -- pull the curtain over, because when</p> <p>5 I look at you, I'm -- I'm squinting --</p> <p>6 Q. I understand.</p> <p>7 A. -- and I don't want my appearance on</p> <p>8 the videotape to --</p> <p>9 Q. Would --</p> <p>10 A. -- affect this overall countenance --</p> <p>11 Q. We both may need --</p> <p>12 A. -- of my view.</p> <p>13 Q. -- a little powder on our --</p> <p>14 A. Yeah.</p> <p>15 Q. -- on our foreheads, but that's --</p> <p>16 A. She's getting --</p> <p>17 Q. -- okay.</p> <p>18 A. -- clear anyway.</p> <p>19 COURT REPORTER: Wait. One at a time.</p> <p>20 THE WITNESS: That's a whole -- that's</p> <p>21 a whole -- I -- I have little red dots, but go</p> <p>22 ahead.</p> <p>23 Yes. It would have to go before the --</p> <p>24 the voters. It would be a referendum on changing</p> <p>25 the form of government.</p>	<p style="text-align: right;">Page 92</p> <p>1 report, I would assume that your statement is</p> <p>2 accurate. I don't know their total operation, but</p> <p>3 if they're state officials, then their</p> <p>4 responsibility would be to the state.</p> <p>5 Q. Okay.</p> <p>6 A. They don't report necessarily to county</p> <p>7 councilmen.</p> <p>8 Q. Right. You talked about chain of</p> <p>9 command earlier. And under that chain of command,</p> <p>10 you as the county administrator report to council,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. So how many council members are there?</p> <p>14 11?</p> <p>15 A. 11.</p> <p>16 Q. And the 11 council members are each</p> <p>17 themselves elected officials, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And each of those 11 elected officials</p> <p>20 come to council with differing opinions and</p> <p>21 differing politics and differing views and -- and</p> <p>22 they try to reach a consensus when they go have</p> <p>23 meetings and votes and those type things, correct?</p> <p>24 A. Yes.</p> <p>25 Q. But if we kind of thought of this as a</p>
<p style="text-align: right;">Page 91</p> <p>1 BY MR. BUYCK:</p> <p>2 Q. And do you know whether there was a</p> <p>3 referendum in 2011 that failed?</p> <p>4 A. I can't remember.</p> <p>5 Q. Do you know that that's the same</p> <p>6 electorate that elected Ms. Walls and Mr. Beckert</p> <p>7 in 2014 and reelected them both in 2018?</p> <p>8 A. Yes. It would be the same electorate,</p> <p>9 of course.</p> <p>10 Q. Okay. But despite that electorate</p> <p>11 being the ones who are the ones that elect for</p> <p>12 those offices, those offices themselves are state</p> <p>13 offices provided by the state constitution, are</p> <p>14 they not?</p> <p>15 A. Yes.</p> <p>16 Q. So really there is -- there is state</p> <p>17 officials being elected officials within the</p> <p>18 county; is that correct? They report --</p> <p>19 A. Yes.</p> <p>20 Q. -- to the department of revenue?</p> <p>21 A. Yes.</p> <p>22 Q. So each of those entities themselves</p> <p>23 report to the department of revenue, being the</p> <p>24 treasurer's office and the auditor's office?</p> <p>25 A. Not knowing what they're required to</p>	<p style="text-align: right;">Page 93</p> <p>1 flow chart that you often see of organizations,</p> <p>2 county council's not over the auditor or treasurer,</p> <p>3 are they?</p> <p>4 A. No.</p> <p>5 Q. They're all elected officials</p> <p>6 essentially on the same line, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And if we had to go up the chain, we</p> <p>9 would probably put DOR or the department of revenue</p> <p>10 above the auditor and the treasurer?</p> <p>11 A. Yes. If that's what the statute says,</p> <p>12 yes. That'd be --</p> <p>13 Q. Okay.</p> <p>14 A. -- correct. And then you'd have the</p> <p>15 voters at the very top.</p> <p>16 Q. The voters, because ultimately that's</p> <p>17 who everybody has to reply to, correct?</p> <p>18 A. Yes.</p> <p>19 Q. In fact, the Supreme Court of South</p> <p>20 Carolina has stated that the threat of displeasing</p> <p>21 the electorate and losing reelection bids should be</p> <p>22 sufficient check on the behavior of an elected</p> <p>23 official. Have you heard that verbiage before?</p> <p>24 A. No, but that doesn't surprise me.</p> <p>25 Q. Have you ever read a case entitled</p>

24 (Pages 90 - 93)

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Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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1 treatment of his staff?
2 A. He -- he complained -- we're not
3 talking about his job performance now.
4 Q. Right.
5 A. We're talking about treatment.
6 Q. Right.
7 A. Okay. Gary and I had -- Gary -- Gary
8 told me on several occasions that Jim Beckert
9 was -- I don't want to misquote Gary and it's very
10 difficult to try to remember his exact words, but
11 I'm trying. I'm going to have to paraphrase
12 because I'm not sure of his exact words, that he
13 was harassing some employees.
14 Q. Did Gary inform you of any action that
15 he had taken to protect those employees?
16 A. Yes. Gary -- I was chairman during
17 some of that -- oh, excuse me, I forgot to turn my
18 phone off. I'm sorry. Oh, shoot. Sorry. I
19 forgot to turn my phone off.
20 MR. BUYCK: If you need to get that
21 call you're welcome to.
22 THE WITNESS: What's that?
23 MR. BUYCK: If you need to get that
24 call --
25 THE WITNESS: No, no, no. I -- it's --

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1 I'll call them back.
2 Again, would you repeat the question?
3 I'm sorry I was interrupted.
4 BY MR. CROSBY:
5 Q. I believe the question was did Gary
6 ever tell you or did you learn of any actions that
7 Gary had taken to protect any of the County
8 employees from Jim Beckert's harassment?
9 A. Yes.
10 Q. What -- what did you learn?
11 A. He told me on numerous occasions that
12 he had gone to Beckert's office and talked to him
13 and brought Beckert into his office to talk to him
14 to try to prevent some of that behavior.
15 Q. Did you ever learn that he had blocked,
16 basically limited Jim Beckert's access to his
17 part -- part of the building?
18 MR. ANDERSON: Objection.
19 THE WITNESS: I am not aware that Gary
20 Kubic limited Beckert's access to any part of the
21 building or -- I don't remember that that was
22 discussed.
23 BY MR. CROSBY:
24 Q. What about, did you become aware that
25 Gary Kubic, in conjunction with the sheriff's

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1 office, had installed cameras on the County
2 administration building because of Jim Beckert's
3 peering through Maria Walls' windows?
4 A. Yes.
5 Q. When did you learn of that?
6 A. Well, let's see. Gary left in -- I'm
7 not going to try to pinpoint that date because I
8 don't remember exactly when he left, but sometime
9 prior to Gary leaving he told me that -- he told me
10 he was installing cameras for that purpose. Among
11 others, there were other -- it wasn't the only
12 purpose, but it was a purpose.
13 Q. What you learned is that what prompted
14 it was a complaint from Maria Walls about Jim
15 Beckert peering through her window?
16 A. Yes.
17 MR. ANDERSON: Object to the form.
18 BY MR. CROSBY:
19 Q. Did -- did he relay to you that Jim
20 Beckert would peer through his window as well?
21 A. On numerous occasions, yes.
22 Q. In your time on County Council, was the
23 issue of Jim Beckert's behavior toward employees
24 and/or Maria Walls ever discussed as an agenda item
25 or in an executive session item where there was

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1 some effort to determine if anything could be done
2 to stop it?
3 A. I don't recall.
4 Q. Did Gary Kubic ever express to you any
5 frustration about his inability to stop Jim
6 Beckert's behavior?
7 A. Yes.
8 Q. And -- and tell me -- tell me what you
9 recall about that.
10 A. I can remember on several occasions
11 Gary being extremely frustrated because he -- he
12 couldn't figure out how to solve that problem, the
13 Beckert problem, in spite of his efforts.
14 Q. I believe after Maria Walls filed her
15 lawsuit, you were interviewed by the -- the paper
16 and you indicated that -- you acknowledged the
17 complaints that had been received and indicated it
18 had been on an ongoing basis?
19 A. (Indicating an affirmative response.)
20 Q. Is that correct?
21 A. That's correct.
22 Q. And you're quoted in there as saying,
23 "We concluded that because he's an elected official
24 there wasn't a whole lot we can do." And it says,
25 "I never felt comfortable with that because I just

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1 kept thinking there has to be something we can do
2 to help these poor people."
3 Do you recall saying that?
4 A. I do.
5 Q. When you say we made the decision or we
6 concluded that there wasn't much could be done was
7 that council concluded or are you talking about
8 County government?
9 A. No, I'm really talking about Gary and
10 myself because my conversations were not with the
11 council itself. We may have had individual
12 conversations. I don't recall that we had a group
13 conversation, a council conserv- -- conversation.
14 But I had many conversations with Gary about it and
15 so I guess the "we" I'm talking about really is
16 Gary and I. I think I was probably chairman at
17 that time.
18 Q. And as chairman you would have had a
19 lot of direct communications with the County
20 administrator?
21 A. Daily.
22 Q. Was there ever a -- a legal opinion
23 that was issued where that was looked at to see if
24 there was anything that could be done?
25 A. I don't have direct knowledge of any

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1 conversations that may have taken place between
2 Gary and attorneys or Gary and the governor's
3 office or Gary and whoever. I mean I had second --
4 I have secondhand information that those
5 conversations took place, but no firsthand
6 information.
7 Q. Did you ever see any -- anything in
8 writing that came to the conclusion that nothing
9 could be done to stop Jim Beckert from harassing
10 employees and others on County property?
11 A. I don't recall seeing anything like
12 that.
13 Q. You certainly felt that -- or -- strike
14 that.
15 You certainly would have liked to have
16 been able to do something to protect these
17 employees from harassment?
18 A. Oh, my gosh, yes. Absolutely.
19 Q. And if there would have been anything
20 within the power of the County administrator that
21 could have been done to protect them, that should
22 have been done, correct?
23 MR. BUYCK: Note my objection.
24 THE WITNESS: Would you repeat that,
25 please.

Page 16

1 BY MR. CROSBY:
2 Q. If there was anything that could have
3 been done within the power of the County
4 administrator or department heads to protect from
5 Jim Beckert's harassing behavior, that should have
6 been done?
7 A. You mean -- I'm still not understanding
8 --
9 Q. Is it --
10 A. -- exactly how you're wording the
11 question.
12 Q. Well, would you agree that if there
13 were actions that could have been done to protect
14 from Jim Beckert's harassing behavior, that any
15 available avenue should have been pursued?
16 MR. ANDERSON: Object to the form.
17 THE WITNESS: Oh, absolutely. Would
18 have been, certainly would have been by Gary and my
19 opinion would have been pursued by Gary Kubic and
20 would have been pursued by me in my role. We just
21 never could come up with anything that seemed to
22 have any likelihood of success. It was very
23 frustrating.
24 BY MR. CROSBY:
25 Q. Did you ever have any conversations

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1 over the years with Maria Walls about her concerns
2 about Jim Beckert's behavior?
3 A. Yes. I can't tell you how many, but it
4 was probably quite a few.
5 Q. Was that something that was a constant
6 topic between you and Maria where she would bring
7 up her concerns about Jim Beckert?
8 A. Yes.
9 Q. In your observations or in what she
10 told you, did you learn as to whether she feared
11 for her physical safety?
12 A. I can't answer that. I don't know the
13 answer to that.
14 Q. But what she would relay to you was
15 that she was being harassed by Jim Beckert?
16 MR. ANDERSON: Objection.
17 THE WITNESS: Yes.
18 BY MR. CROSBY:
19 Q. When --
20 A. Excuse me, I just remembered I have got
21 another phone to turn off. That's it. I promise
22 there are no more.
23 Q. When -- sometime after Maria Walls
24 filed her lawsuit against the County, did you learn
25 that Jim Beckert's access to the County

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Page 18	<p>1 Administration Building had been restricted?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me how you came to learn of that.</p> <p>4 A. I believe that the then-County</p> <p>5 administrator told us that -- told the County</p> <p>6 Council at an executive session. It wasn't -- it</p> <p>7 was after Gary. This was Ashley Jacobs.</p> <p>8 Q. She told council that she had taken the</p> <p>9 steps to restrict his access --</p> <p>10 A. Correct.</p> <p>11 Q. -- and prohibit -- prohibit him from</p> <p>12 having any contact with County employees?</p> <p>13 A. Yeah, let me, if I may, clarify</p> <p>14 something I said a minute ago that we had no</p> <p>15 executive sessions to talk about Jim Beckert. That</p> <p>16 was under Gary Kubic. But I can't recall any, but</p> <p>17 now we're moving forward to Ashley Jacobs and under</p> <p>18 Ashley Jacobs we did have, I don't remember, one or</p> <p>19 two, but we had at least one.</p> <p>20 Q. Okay. Well, I was going to ask you</p> <p>21 about Ashley Jacobs. So did Ashley Jacobs ever</p> <p>22 relay comp- -- complaints about Jim Beckert's</p> <p>23 harassment of County employees?</p> <p>24 A. Yes.</p> <p>25 Q. What do you recall about your</p>	Page 20	<p>1 I just don't recall it. I think I have read every</p> <p>2 article involving Mr. Beckert that's been written.</p> <p>3 I may have missed one because I'm out of town quite</p> <p>4 a bit, but I usually catch up when I come back,</p> <p>5 so...</p> <p>6 Q. Were there any -- ever any discussions</p> <p>7 in executive session about Jim Beckert's treatment</p> <p>8 of County employees?</p> <p>9 A. Yes.</p> <p>10 Q. When -- when would that have occurred?</p> <p>11 A. Sometime in the first half of 2020.</p> <p>12 Q. And what was -- what -- what brought</p> <p>13 that to be an item of executive session?</p> <p>14 A. Well, my impression was that</p> <p>15 Ms. Jacobs -- Ms. Jacobs was extremely frustrated</p> <p>16 dealing with Jim Beckert, as was Gary Kubic, the</p> <p>17 difference being that I had a lot more daily</p> <p>18 communication with Gary Kubic than I had with</p> <p>19 Ms. Jacobs simply because I wasn't the chairman</p> <p>20 beginning in 2020.</p> <p>21 Q. What do you recall about --</p> <p>22 A. Or -- or '19, for that matter.</p> <p>23 Q. What do you recall about the specifics</p> <p>24 that she was relaying to council about her</p> <p>25 frustrations with Jim Beckert?</p>
Page 19	<p>1 conversations with Ms. Jacobs?</p> <p>2 A. A lot of her complaints about Jim</p> <p>3 Beckert had to do with his job performance.</p> <p>4 Q. Well, would -- I'm talking about</p> <p>5 specific to his harassment of County employees.</p> <p>6 A. Right. I'm trying to recall if she --</p> <p>7 she very well may have, but I can't -- I can't</p> <p>8 swear that that happened, that she did, that she</p> <p>9 talked about his harassment. She very -- I'm sorry</p> <p>10 to say I just don't specifically remember. I had</p> <p>11 so many conversations with so many people about his</p> <p>12 harassment, that I'm not sure if she was one.</p> <p>13 I had conversations with her about Jim</p> <p>14 Beckert, but I'm not sure if harassment was part of</p> <p>15 those con- -- it may -- may well have been, but I'm</p> <p>16 not sure.</p> <p>17 Q. Did she ever relay to you that Jim</p> <p>18 Beckert exhibited harassing behavior toward her?</p> <p>19 A. She never said that directly to me. I</p> <p>20 think -- I think I may have heard that secondhand,</p> <p>21 but I'm not sure.</p> <p>22 Q. Did -- did -- did you read in any</p> <p>23 newspaper articles where she was quoted as that, as</p> <p>24 having been harassed by Jim Beckert?</p> <p>25 A. If there was an article, I read it, but</p>	Page 21	<p>1 A. I recall that her primary focus was</p> <p>2 getting the tax bills out and getting the --</p> <p>3 closing the books, getting the CAFR out and his --</p> <p>4 his role in those things, particularly the tax</p> <p>5 bills.</p> <p>6 Q. Well, and what about specific to his</p> <p>7 conduct toward County employees and others on</p> <p>8 County property?</p> <p>9 A. It was discussed, but I can't remember</p> <p>10 the particulars of it.</p> <p>11 Q. Was there any executive action</p> <p>12 discussed that -- that was proposed to be taken</p> <p>13 with regard to Jim Beckert's conduct toward County</p> <p>14 employees?</p> <p>15 A. Yes. I don't know who came up with</p> <p>16 this idea. I may have known at the time, but I</p> <p>17 don't know now. Somebody came up with the idea</p> <p>18 that we could exclude him or, I'm sorry, that the</p> <p>19 administrator had control over the building, the</p> <p>20 County Office Building and, therefore, had the</p> <p>21 authority to exclude him from that building and</p> <p>22 that was going to be the action taken and, in fact,</p> <p>23 that was the action taken.</p> <p>24 Q. Now, that was after the lawsuits were</p> <p>25 filed?</p>

6 (Pages 18 - 21)

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1 A. I can't -- I don't know what the
2 sequence was.
3 Q. Other than that, do you recall any
4 action that was discussed with regard to Jim
5 Beckert's conduct toward --
6 A. Yes, I heard some conversations about
7 going to the governor, but they were -- they were
8 secondhand conversations and so...
9 Q. That was something that was discussed
10 in executive session or just something that was
11 talked with outside of?
12 A. No, I don't recall it being discussed
13 in executive session, but I do recall it being
14 discussed between myself and Josh Gruber, Gary
15 Kubic.
16 Q. With regard to the County administrator
17 having the power or control over access to the
18 buildings, whatever that timing was, was there any
19 vote on that or was it just a discussion that she
20 actually, the County administrator, possessed that
21 power?
22 A. My recollection is that in executive
23 session, Ashley Jacobs proposed that idea. There
24 was never a vote, to my knowledge, and as a -- as I
25 recall, she proposed it as something within her

Page 23

1 authority to do. It didn't require a vote.
2 Q. The -- the County does have control
3 over the County property, correct?
4 A. Absolutely.
5 Q. So that's basically what she was
6 suggesting is, as in her role as the highest
7 ranking County employee, she had the authority to
8 make that -- take that type of action?
9 MR. BUYCK: Note my objection.
10 THE WITNESS: Correct.
11 BY MR. CROSBY:
12 Q. There was no vote taken that night
13 to -- or in that meeting to give her special power?
14 A. No, I only -- I only wish that I had
15 thought of it. I only wish Gary Kubic had thought
16 of it. As far as I know, Gary Kubic didn't think
17 of it, Josh Gruber didn't think of it, and I didn't
18 think of it, so, but somebody did at some point and
19 I think it -- so...
20 Q. Do you re- -- did you have more than
21 one conversation with Alicia Holland --
22 A. Yes.
23 Q. -- about Beckert's behavior towards
24 her?
25 A. Yes.

Page 24

1 Q. Was that something that she complained
2 to you about on multiple occasions?
3 A. Yes.
4 Q. Was the -- the complaint typically the
5 same, that Beckert was harassing her?
6 A. Well, a lot of her complaints had to do
7 with his -- because she was the chief financial
8 officer and responsible for the finance of the --
9 of the County, she -- a lot of her complaints,
10 certainly not all of them, but a lot of them had to
11 do with his job performance. But yes, she also
12 complained about his harassment.
13 Q. Did she --
14 A. To me.
15 Q. -- complain to you that he was causing
16 her discomfort and stress?
17 A. I'm struggling to answer that question
18 because I'm not sure if -- if my conversation with
19 her was privileged, so...
20 Q. I don't -- I don't know how it would
21 be, but as her attorney, it's okay to tell me.
22 A. Okay. No, I think there were other
23 things that frustrated her as well, but yes, Jim
24 Beckert was certainly one of them.
25 Q. Did she relay to you that she was

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1 stressed about whether that Jim was causing her
2 stress in -- in doing her job?
3 A. Yes.
4 Q. Let me give you a couple of documents
5 and I'll let him take a break so you can look at
6 them.
7 MR. CROSBY: What exhibit numbers are
8 these?
9 MS AVANT: (Inaudible.)
10 THE WITNESS: Take a break, like make a
11 call? Or take a break, like wait for them?
12 MR. BUYCK: You can make a call.
13 MR. CROSBY: Let's just go off the
14 record.
15 THE VIDEOGRAPHER: We are going off
16 record. The time is 2:42 p.m.
17 (A Recess transpired.)
18 (EXHIBIT 14, Letter, 3-6-18, was marked
19 for identification.)
20 (EXHIBIT 15, E-Mail, 5-21-19, was
21 marked for identification.)
22 (EXHIBIT 16, E-Mail, 8-7-20, was marked
23 for identification.)
24 (EXHIBIT 17, E-Mail, 8-19-20, was
25 marked for identification.)

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1 that you were hearing were becoming more people
2 involved in it?
3 A. The only reason I'm reluctant to say
4 yes on that is because the complaints were
5 consistent for a long period of time and I -- it
6 would be really hard for me to graph it and say
7 they went up or they went down, but there were a
8 lot of complaints over a long period of time.
9 Q. You knew about these complaints. Were
10 there others that -- that knew about them as well?
11 A. I would be speculating, but I -- I
12 would certainly assume so.
13 Q. Well, you had conversations with Gary
14 Kubic about it?
15 A. Yes, I did.
16 Q. You had conversations with Ashley
17 Jacobs about it?
18 A. I did.
19 Q. You had conversations with Alicia
20 Holland?
21 A. Yes.
22 Q. You had conversations with Maria Walls?
23 A. Yes.
24 Q. And each of them relayed similar
25 concerns to you?

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1 A. Yes.
2 Q. Did you ever have any conversations
3 from anyone from human resources, Susan Gregory
4 specifically?
5 A. I don't believe so. I believe my
6 conversations were with the administrator to whom
7 she reported.
8 Q. How about any other members of council?
9 A. Oh, yes. Oh, yes.
10 Q. Who else would you have had
11 conversations with at council?
12 A. There was Stewart, Alice Howard, that I
13 can recall.
14 Q. Do you remember any conversation with
15 Cynthia Bensch about her frustrations with Jim
16 Beckert's behavior?
17 A. No, I do not. That's not to say it
18 didn't happen, but I don't recall it.
19 Q. You may have said this, but were you
20 frustrated by the inability to curb Jim Beckert's
21 behavior or is that another way to prevent --
22 protect the -- those on County property from his
23 harassment?
24 MR. ANDERSON: Objection.
25 THE WITNESS: Yes, absolutely.

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1 BY MR. CROSBY:
2 Q. Is that because both the employees and
3 others accessing County property should not be
4 subjected to harassing, abusive behavior?
5 MR. ANDERSON: Objection.
6 THE WITNESS: Yes, and I felt powerless
7 and it was an awful, awful feeling. I -- I
8 sympathized with them. I had many conversations
9 with them. It was very frustrating.
10 MR. CROSBY: I'm going to take just a
11 quick break and we'll get finished up. Okay?
12 THE WITNESS: Okay. Sure. Sure.
13 MR. CROSBY: Go off the record?
14 THE VIDEOGRAPHER: We are going off
15 record. The time is 3:10 p.m.
16 (A brief recess was taken.)
17 THE VIDEOGRAPHER: We are back on
18 record. The time is 3:15 p.m.
19 BY MR. CROSBY:
20 Q. During the several years that you were
21 receiving complaints about Jim Beckert's behavior
22 and having discussions with other members of
23 council, was there ever a consideration of filing a
24 resolution condemning Jim Beckert's behavior?
25 A. At what level?

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1 Q. Well, at the council level.
2 A. Council level. I may have heard it
3 discussed, but I don't recall that it ever got any
4 traction.
5 Q. There was no motion or -- ever made
6 with regard to adopting a resolution of
7 condemnation of his behavior?
8 A. Formally, no.
9 Q. Was it discussed -- discussed
10 informally?
11 A. It may have been and I'm -- I'm not
12 sure, but I may have heard certain -- some
13 individuals discussing that possibility.
14 Q. Would the -- was that something that
15 would have passed council?
16 MR. BUYCK: Note my objection.
17 BY MR. CROSBY:
18 Q. Based on your experience?
19 A. That would be pure conjecture.
20 Q. It just never got to that -- that
21 point?
22 A. No.
23 Q. Prior to the discussion with Ashley
24 Jacobs, it sounds like there was no forward action
25 with regard to Jim Beckert ever formally discussed

10 (Pages 34 - 37)



Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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D. Paul Sommerville
Holland, Aliciav. Beaufort County et al

April 8, 2021

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1 THE VIDEOGRAPHER: We are back on
2 record. The time is 2:55 p.m.
3 BY MR. CROSBY:
4 Q. Mr. Sommerville, can you get the
5 document that's marked as Exhibit 16?
6 A. Yes.
7 Q. Is that an e-mail from Alicia Holland
8 to you?
9 A. Yes.
10 Q. Do you recall why she would have been
11 forwarding you her resignation letter at this point
12 in time?
13 A. I'm sorry?
14 Q. Do you recall why she would have
15 been -- I think she had already left the County's
16 employment by this time. Do you know why she would
17 have been forwarding you her resignation letter?
18 A. I don't recall specifically, no.
19 Q. Did y'all bump into each other or have
20 a conversation whereby that came up and later she
21 sent you this?
22 A. I recall have -- well, I had numerous
23 conversations with her since she left. I recall
24 one conversation that had to do with her
25 resignation and I think I remember saying, "I have

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1 never seen your resignation" so that may have
2 triggered it.
3 Q. And she later forwarded that to you
4 with her comments about her decision to leave?
5 A. Yes, yes.
6 Q. And then Exhibit No. 17 looks like a
7 reply to an e-mail received from you to Alicia
8 Holland. Is that where she wrote back and said
9 that, "Jim Beckert is a sick and dangerous
10 individual. He has harassed and bullied Maria,
11 myself, and Ebony that I am aware of. There may be
12 others I'm not aware of. Jim is the primary reason
13 I left my employment with Beaufort County."
14 Did you forward to Alicia Holland a
15 copy of the lawsuit that was filed by Maria Walls?
16 A. I may have. I don't -- I don't
17 specifically recall. I -- I'm trying to think if I
18 had it. I'm pretty sure I had it.
19 Q. I mean, it has at the top of it, the
20 subject line in -- in that e-mail, the next e-mail
21 down is from you to Alicia Holland and the subject
22 is "Maria Walls versus Beaufort County."
23 A. I don't doubt that I did. I just don't
24 specifically recall it.
25 Q. Do you know if you forwarded it to

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1 anyone else?
2 A. I don't recall.
3 Q. It looks like Ashley Jacobs had sent it
4 to yourself and the other members of -- of council.
5 A. That's what it appears to me. It
6 appears that I received it and forwarded it to
7 Alicia.
8 Q. And where she indicates in that first
9 line where she says that, "He," being Jim Beckert,
10 "has harassed and bullied Maria, myself," Maria and
11 herself, you would agree that that's -- Jim
12 Beckert's conduct was, toward Maria Walls and
13 Alicia Holland, was -- would be considered as
14 harassment and bullying in nature?
15 A. Well, I never witnessed any of this
16 firsthand, but this is the way Jim Beckert's
17 actions were characterized to me by Maria and
18 Alicia.
19 Q. All right. When they would talk to you
20 about it, they would relay it in those terms, that
21 he was a bully and that he was harassing them?
22 A. Yes.
23 Q. Did you ever witness Jim Beckert
24 exhibit that type of behavior to anyone?
25 A. The only thing I recall seeing him do

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1 was he had a phone that he liked to carry out where
2 everybody could see it. At least that was my
3 impression. Maybe some people carry their phone
4 anyway, maybe some people just walk around with it.
5 But I guess it was Maria or Alicia who said that --
6 that he was recording them and as a -- as a method
7 of harassing them.
8 Q. And you -- you had witnessed that
9 yourself?
10 A. Well, I witnessed him -- witnessed him
11 with a phone in his hand, but I don't know. I
12 can't say what he was doing with it. I mean, I --
13 Q. It appeared to you that he could have
14 been recording?
15 A. He certainly could have been.
16 MR. ANDERSON: Object to the form.
17 BY MR. CROSBY:
18 Q. When he would walk around with it, he
19 would have the camera side pointing out?
20 A. I don't recall.
21 Q. On Exhibit 15, it references hiring an
22 outside firm to help determine if the millage had
23 been calculated correctly. Do you recall that?
24 A. Yes.
25 Q. And that the cost was going to be

8 (Pages 26 - 29)

Ex. 3

Beaufort County Adopts Testimony:

Topic 13: The Role of County Council Over the Auditor's Office and/or Responsibilities



Deposition of:
Suzanne D. Gregory

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Suzanne D. Gregory
Holland, Aliciav. Beaufort County et al

April 7, 2021

<p style="text-align: right;">Page 26</p> <p>1 him in that transitional period. What were the</p> <p>2 circumstances behind you meeting him during that</p> <p>3 period?</p> <p>4 A. I don't recall exactly, but I believe</p> <p>5 it was just a -- somewhat of a meet-and-greet and</p> <p>6 give him the general information about human</p> <p>7 resources and -- and answer questions for him, as I</p> <p>8 recall.</p> <p>9 Q. And the general information about human</p> <p>10 resources, would that have been providing him with</p> <p>11 a copy of this handbook?</p> <p>12 A. I don't recall.</p> <p>13 Q. Do you recall if he was provided a copy</p> <p>14 of the Computer and Information Systems Acceptable</p> <p>15 Use Policy?</p> <p>16 A. I don't recall.</p> <p>17 Q. I want to bring around what's being</p> <p>18 marked as Exhibit 2 and 3.</p> <p>19 (PLF. EXHIBIT 2, Computer Information</p> <p>20 Systems Acceptable Use Policy, was marked for</p> <p>21 identification.)</p> <p>22 (PLF. EXHIBIT 3, Orientation Checklist,</p> <p>23 was marked for identification.)</p> <p>24 MR. J. ANDERSON: Thank you.</p> <p>25 MR. BUYCK: Thank you. Here you go,</p>	<p style="text-align: right;">Page 28</p> <p>1 in, but I -- I would -- I would think so, yes.</p> <p>2 Q. Do you recall if you were the -- the</p> <p>3 member of the HR department to sit down and go over</p> <p>4 these documents with Mr. Beckert?</p> <p>5 A. I was not. We -- we have someone -- or</p> <p>6 a few people that -- that did the new hire</p> <p>7 orientation, and I was not one of those.</p> <p>8 Q. Okay. And Exhibit Number 3 right in</p> <p>9 front of you is that orientation checklist we</p> <p>10 talked about earlier. It appears from -- from</p> <p>11 Exhibit 3 that Mr. Beckert signed this orientation</p> <p>12 checklist on the same date that he signed this</p> <p>13 Computer Information Systems Acceptable Use Policy;</p> <p>14 is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. So based off this -- excuse me --</p> <p>17 orientation checklist and the fact that it's signed</p> <p>18 by Mr. Beckert, does that indicate to you that he</p> <p>19 has been through orientation with Beaufort County?</p> <p>20 A. Yes.</p> <p>21 Q. And is this the same orientation</p> <p>22 checklist that's used for county employees?</p> <p>23 A. Yes.</p> <p>24 Q. And underneath the -- the received</p> <p>25 section of that orientation checklist, there is a</p>
<p style="text-align: right;">Page 27</p> <p>1 Ms. Jacob [sic]. Take your time and look through</p> <p>2 those.</p> <p>3 BY MS. AVANT:</p> <p>4 Q. Have you had a chance to review both</p> <p>5 documents?</p> <p>6 A. Yes.</p> <p>7 Q. Exhibit 2 right there in front of you</p> <p>8 is the Computer Information Systems Acceptable Use</p> <p>9 Policy we spoke about a little earlier.</p> <p>10 A. Uh-huh.</p> <p>11 Q. We spoke about it earlier, it was in</p> <p>12 the -- in the handbook that was provided to</p> <p>13 employees. Based on -- and I understand you</p> <p>14 haven't been there for a few years, but is it your</p> <p>15 understanding that this policy in Exhibit 2 is</p> <p>16 essentially the same as what is in the handbook?</p> <p>17 A. Yes.</p> <p>18 Q. And on the very last page of that</p> <p>19 policy, I believe it's Page 8, it looks like</p> <p>20 Mr. Beckert has signed this policy in March of</p> <p>21 2015. Is that your understanding?</p> <p>22 A. That's what it -- yes. Yes.</p> <p>23 Q. And would that have been during his</p> <p>24 transition period?</p> <p>25 A. I don't recall the date of his swearing</p>	<p style="text-align: right;">Page 29</p> <p>1 section for personnel policies and procedures</p> <p>2 manual. And that is checked, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Which would indicate that he has</p> <p>5 received the personnel policies and procedures of</p> <p>6 Beaufort County?</p> <p>7 A. Yes.</p> <p>8 Q. And you testified earlier that those</p> <p>9 procedures and policies were authorized and</p> <p>10 approved by county administration?</p> <p>11 A. Yes.</p> <p>12 Q. Going back to your experience with</p> <p>13 Mr. Beckert, you indicated earlier that there were</p> <p>14 several instances that led to that -- that tense</p> <p>15 relationship between you and Mr. Beckert?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall any of those instances</p> <p>18 specifically?</p> <p>19 A. Not specifically. I -- I recall one in</p> <p>20 which he wanted -- I don't recall what it was he</p> <p>21 wanted to do, but he wanted to do something with</p> <p>22 one of his employees as far as -- I believe it was</p> <p>23 a disciplinary action or something that -- that was</p> <p>24 contradictory to -- and I don't -- either</p> <p>25 employment law or our policy. And there was a --</p>

8 (Pages 26 - 29)

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1 MR. BUYCK: I apologize.
2 THE WITNESS: -- there was some back
3 and forth about that instance.
4 BY MS. AVANT:
5 Q. Did you ever receive any complaints
6 about Mr. Beckert?
7 A. Yes.
8 Q. Do you recall from who?
9 A. A number of people, at least in general
10 conversation.
11 Q. Do you recall any names?
12 A. Oh. Well, certainly I know Alicia
13 Holland was one, Melissa Beere in my office was
14 one, Monica Spells, Maria Walls, Ebony Sanders, I
15 believe Katherine Mead.
16 Q. I'm sorry. Can you repeat that last
17 name?
18 A. Yeah, Katherine Mead. Those are the
19 names I remember right off.
20 Q. And are all the names you just
21 mentioned women?
22 A. Yes.
23 Q. Do you remember what Melissa -- you
24 said Beere?
25 A. Beere.

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1 Q. Beere. And is that B-E-A-R-Y?
2 A. B-E-E-R-E.
3 Q. B-E-E-R-E. All right. Do you remember
4 what her complaint about Mr. Beckert was about?
5 A. Not specifically. It was a general
6 conversation she had with him and had to do with
7 rudeness.
8 Q. Do you remember what Monica Spells's
9 complaint was about?
10 A. Not specifically. And it wasn't a
11 single conversation. She -- I believe she had
12 mentioned several times where she had less than
13 pleasant conversations with him.
14 Q. So Monica Spells had approached you
15 multiple times about Mr. Beckert?
16 A. She didn't approach me about that, but
17 Monica and I had a lot of conversations, and he
18 had -- he had been mentioned several times in some
19 of our conversations.
20 Q. Did you document those conversations
21 with Ms. Spells?
22 A. No.
23 Q. Did you document the conversation with
24 Ms. Beere?
25 A. No.

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1 Q. Did you document the complaint by
2 Ms. Holland?
3 A. I don't recall.
4 Q. Did you document the complaint from
5 Maria Walls?
6 A. I don't believe that was in the form of
7 a complaint. There again, I think that was just a
8 conversation discussing his -- his demeanor.
9 Q. Do you remember the -- the conversation
10 between you and Ebony Sanders about Mr. Beckert?
11 A. I don't.
12 Q. What about between you and Katherine
13 Mead?
14 A. Not specifically, no.
15 Q. Did you document the conversation
16 between you and Ebony Sanders?
17 A. I don't recall. I don't believe so.
18 Q. Did you document the conversation
19 between you and Katherine Mead?
20 A. No.
21 Q. So what needs to be done for a
22 conversation between you and an employee of
23 Beaufort County where another member of Beaufort
24 County is mentioned in a negative way, a negative
25 interaction like these ladies have had? What would

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1 need to happen for you to document that? Would
2 they have to use the word I want to file a
3 complaint?
4 A. No. But if -- if -- if Mr. Beckert
5 comes up in general conversation when we're talking
6 about three or four things and it's just a comment
7 about him being rude on a phone call, that -- that
8 wouldn't be documented.
9 Q. Were each and every one of these
10 conversations just a comment within another
11 conversation?
12 A. As far as I can recall, yes.
13 Q. And after hearing two or three of these
14 comments from two or three of these ladies, did you
15 feel the need to document his behavior, seeing as
16 it was happening to multiple women?
17 A. His behavior was -- I don't believe it
18 was specific to women, the rudeness that was mostly
19 talked about. And I be -- I -- I am certain
20 administration was aware of the situation.
21 Q. All right. And what makes you say that
22 you don't believe it was strictly to women, his
23 behavior?
24 A. I recall conversations about him
25 getting -- well, I'm aware of conversations he had

9 (Pages 30 - 33)

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1 with -- I believe it was the deputy county
2 administrator at the time and another person,
3 who I'm not sure what capacity he worked in at the
4 time, where it was very confrontational.
5 Q. Did any of these ladies indicate to you
6 that Mr. Beckert was partaking in any other
7 behavior that was more than rude, but maybe took it
8 a step further?
9 A. Not that I can recall, no.
10 Q. Are you aware that Mr. Beckert would
11 stare into Maria Walls's window outside of her
12 office?
13 A. I was -- I was told that, yes.
14 Q. Do you recall who told you that?
15 A. I believe it was the county
16 administrator.
17 Q. And who was that at that time? I know
18 Beaufort County has been through quite a few
19 lately.
20 A. Gary Kubic.
21 Q. And was that documented in your
22 department?
23 A. Not in my department. I believe Gary
24 Kubic may have documented that.
25 Q. Why weren't these complaints or these

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1 comments documented anywhere?
2 A. Comments weren't documented because it
3 was casual conversation that -- that I wasn't
4 approached in a serious manner. It was -- it was
5 almost just here's another Jim Beckert situation,
6 you know, here -- and -- and it -- no one walked --
7 no one walked into my office of the list I gave you
8 and said: I have a problem with Jim Beckert. It
9 was just we were talking about this, the other, and
10 then his name would come up.
11 Q. And what was the -- do you remember the
12 context of the other conversation? Was it other
13 HR-related issues?
14 A. I don't recall.
15 Q. I guess I'm trying to figure out your
16 definition of a comment --
17 A. Uh-huh.
18 Q. -- to figure out whether it's something
19 that should have been documented, because we looked
20 at the -- the handbook earlier, and it states in
21 there that any complaint should be documented in
22 written form.
23 A. Uh-huh.
24 Q. And when you've got multiple, as you've
25 termed them, comments about the same individual,

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1 I'm trying to figure out why they weren't written
2 down somewhere. So what is your understanding of
3 comment?
4 A. A comment is something stated in a
5 conversation that -- I -- I don't know how to
6 answer that.
7 Q. If someone were to call you about a
8 situation involving employee A and employee B, that
9 they were not involved in, just something that they
10 observed --
11 A. Uh-huh.
12 Q. -- would that be documented or would
13 employee A have to come sit down in your office in
14 a serious manner for you to document that?
15 A. If someone came to me about employee A
16 and B having a conversation or a problem, I would
17 likely contact employee A or B to look into it if
18 it was a serious matter.
19 Q. And did you ever contact Jim Beckert
20 about the, as you -- as you have termed them,
21 comments against him? Did you ever contact him to
22 discuss them with him?
23 A. No. I -- I made administration aware
24 of anything that went on because they were dealing
25 with him as an elected official at the time the

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1 best they could.
2 Q. And what were they dealing with him on?
3 Was there another issue going on that you're aware
4 of?
5 A. I -- I -- I believe there were several
6 issues going on with him, but one was his behavior.
7 Q. And when there is an issue with his
8 behavior, he was the director of human resources,
9 you were not involved in that?
10 A. No, not directly. Because, there
11 again, he's an elected official, not a county
12 employee, and I had no authority over him.
13 Q. So, if human resources doesn't have any
14 authority over him as an elected official, why did
15 human resources require him to complete an
16 orientation checklist and sign the Computer and
17 Information Systems Acceptable Use Policy and gave
18 him a handbook?
19 A. It's my understanding at the time this
20 was done, he was in the transition period. And
21 before he was sworn in, he was considered a county
22 employee -- a temporary county employee. That's
23 why he had to complete this paperwork.
24 Q. Is it your understanding that once he
25 became an elected official, he no longer had to

10 (Pages 34 - 37)

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1 abide by the handbook provided by Beaufort County?

2 A. It's my understanding once he became an

3 elected official, I had no authority to force him

4 to abide by the handbook.

5 Q. And where did that understanding come

6 from? Did someone tell you you didn't have

7 authority over an elected official?

8 A. I don't know if that was told to me

9 directly. But there were a lot of conversations

10 about -- and Mr. Beckert forwarded a lot of

11 information about the authority of an elected

12 official. And because he was not a county

13 employee, as the HR director, I would not have

14 authority over him, just like I would not have

15 authority over a vendor that walked in. If there

16 was something going on with a vendor, I would let

17 administration know.

18 Q. Which department enforces the Computer

19 and Information Systems Acceptable Use Policy?

20 A. If -- if an employee violated that

21 policy and it was brought to the attention of the

22 HR department, we would work with the department

23 head, as I recall, to decide what to do with that

24 employee and -- and take necessary disciplinary

25 action.

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1 Q. Okay. And whenever we talked about

2 that policy earlier, the scope in that policy

3 didn't limit it to employees --

4 A. Uh-huh.

5 Q. -- that scope would apply to, as you

6 testified earlier, anyone that was given county

7 e-mail, county computer, county network systems,

8 county-issued phone system, which would include an

9 elected official, correct?

10 MR. J. ANDERSON: Object to the form.

11 BY MS. AVANT:

12 Q. You can still answer.

13 A. I -- I believe it would, yes.

14 Q. So would HR enforce the Computer and

15 Information Systems Acceptable Use Policy if an

16 elected official violated it?

17 A. No.

18 Q. So an elected official is not expected

19 to abide by the Computer and Information Systems

20 Acceptable Use Policy?

21 A. No. If I was made aware of a

22 violation, I would make administration aware.

23 Q. And so you rely on county

24 administration to enforce any policies to be taken

25 up with an elected official?

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1 A. With elected --

2 MR. BUYCK: Note my objection.

3 THE WITNESS: With elected officials,

4 yes.

5 BY MS. AVANT:

6 Q. Okay. And why is that?

7 A. Because I have no authority over

8 elected officials.

9 Q. Has --

10 A. They're not county employees.

11 Q. Has county administration told you you

12 have no authority?

13 A. I don't remember if they directly told

14 me that, but that is my understanding.

15 Q. Was one of those instances with Jim

16 Beckert when he was forwarding statutes to you?

17 Was him sending you, as I believe you just

18 mentioned, him forwarding you a statute letting you

19 know that you had no authority over him, was that

20 one of those instances?

21 A. I cannot recall for sure. I believe he

22 had forwarded something to that effect before.

23 Yes.

24 Q. And do you recall what you did once you

25 received that information from Mr. Beckert?

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1 A. I believe any confrontational e-mails I

2 got from Mr. Beckert I forwarded either to the

3 deputy county administrator or the county

4 administrator.

5 Q. Did you ever inform anyone in county

6 administration about the comments that were made to

7 you about Mr. Beckert?

8 A. I cannot recall for certain, but I

9 believe I would have.

10 Q. You believe you would have?

11 A. I believe so, yes.

12 Q. Is it your understanding that -- that

13 county administration and county counsel were aware

14 of numerous complaints by females of Beaufort

15 County against Mr. Beckert?

16 MR. BUYCK: Note my objection.

17 MR. J. ANDERSON: Object to form.

18 THE WITNESS: I don't know if it was

19 just females. I don't recall that. But I believe

20 they were aware of complaints regarding

21 Mr. Beckert.

22 MS. AVANT: I'm going to walk around

23 and distribute Exhibit Number 4.

24 (PLF. EXHIBIT 4, The Island Packet

25 Article Dated 8/19/20, was marked for

11 (Pages 38 - 41)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

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Thomas J. Keaveny, II - 9/27/2021

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<p>1 the discovery that's been served on the county?</p> <p>2 A He's aware that we've been served with</p> <p>3 discovery.</p> <p>4 Q And, of course, you, as a lawyer,</p> <p>5 understand --</p> <p>6 A Sure.</p> <p>7 Q -- the county would have an obligation to</p> <p>8 preserve --</p> <p>9 A Right.</p> <p>10 Q -- any discoverable material?</p> <p>11 A Right, right.</p> <p>12 MR. BUYCK: And just for the record, I've</p> <p>13 given you the issues set forth regarding</p> <p>14 videos and that we don't have the capacity to</p> <p>15 maintain the videos for a lengthy period of</p> <p>16 time. There have been several letters</p> <p>17 exchanged between your office and my office</p> <p>18 relative to that, and if there's something</p> <p>19 that y'all want within the time frames in</p> <p>20 which we're able to get it and you're aware of</p> <p>21 it, then let us -- let us know what you're</p> <p>22 aware of, and we'll try to preserve it the</p> <p>23 best we can, but otherwise, we don't have the</p> <p>24 capacity to do so.</p> <p>25 And I'm just -- I'm just putting this out</p>	<p>1 there again because I don't want it to look</p> <p>2 like we're trying to hide something from you.</p> <p>3 MR. CROSBY: Well, just know you have an</p> <p>4 obligation, if they know there's video of him</p> <p>5 going in there, to preserve it, and that can</p> <p>6 be preserved right immediately.</p> <p>7 MR. BUYCK: This is the first I've heard</p> <p>8 of it, but I'll do whatever is necessary, but</p> <p>9 like I said, if y'all will let me know of</p> <p>10 things, I'll be glad to try to preserve it.</p> <p>11 MR. CROSBY: Well, I just let -- I just</p> <p>12 let you know about that.</p> <p>13 MR. BUYCK: That's fine.</p> <p>14 MR. CROSBY: But they already knew, so I</p> <p>15 would presume that it's been preserved.</p> <p>16 MR. BUYCK: Okay. First I've heard of</p> <p>17 it, so --</p> <p>18 THE WITNESS: If it exists. I don't even</p> <p>19 know if it exists.</p> <p>20 MR. CROSBY: I think our next exhibit is</p> <p>21 Number 18.</p> <p>22 (Exhibit 18, 8/15/16 Email to Cadd</p> <p>23 from Beckert, was marked for</p> <p>24 identification.)</p> <p>25 MR. CROSBY: I think the next exhibit's</p>
Page 15	Page 16
<p>1 supposed to be -- is 18 in what we've marked</p> <p>2 so far.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q Do you recognize the attachment to</p> <p>5 Exhibit 18?</p> <p>6 A I do.</p> <p>7 Q Just explain to me what this is.</p> <p>8 A All right. Let me just read it fully for</p> <p>9 a second.</p> <p>10 Q Yeah. Take your time.</p> <p>11 A I remember seeing it, but it's been a</p> <p>12 long time.</p> <p>13 All right. Yes. So I'm sorry. Your</p> <p>14 question is?</p> <p>15 Q What is the attachment to Exhibit 18?</p> <p>16 A Being a lawyer, I can be long-winded, and</p> <p>17 I apologize for that, so if I get long-winded and</p> <p>18 don't answer your question, just kind of get me</p> <p>19 back to where you want to be.</p> <p>20 But what this document is is it's a</p> <p>21 letter from Gary Kubic to basically all the elected</p> <p>22 officials in the county regarding Beaufort --</p> <p>23 county council's decision to adopt a new personnel</p> <p>24 handbook for the first time since 2005. And so</p> <p>25 this new handbook went into effect, I think by</p>	<p>1 resolution of council, on August 1st, 2016, and the</p> <p>2 regulations and the rules that are set forth in</p> <p>3 that personnel handbook apply only to folks over</p> <p>4 whom the administrator has authority, hiring and</p> <p>5 firing authority. The county administrator's</p> <p>6 authority does not extend to the offices of the</p> <p>7 elected officials.</p> <p>8 And so what Mr. Kubic decided he wanted</p> <p>9 to do was to provide the elected officials,</p> <p>10 including the magistrates who are selected by a</p> <p>11 state senator, the opportunity to adopt -- to</p> <p>12 review the handbook and to decide whether or not</p> <p>13 they wanted to utilize it for their personnel, and</p> <p>14 if they did, he wanted them to sign this document</p> <p>15 so that we could then -- HR could then process</p> <p>16 payroll, vacation times, all kinds of benefits,</p> <p>17 everything, for the employees for the elected</p> <p>18 officials the same as the employees over whom he</p> <p>19 had authority.</p> <p>20 Q And so is that sort of an exchange</p> <p>21 between the county and the elected official where</p> <p>22 if they sign on to the -- be bound by the handbook,</p> <p>23 that the county then provides certain services?</p> <p>24 A That's exactly right.</p> <p>25 Q And did Jim Beckert, as an elected</p>

4 (Pages 13 to 16)

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1 official, sign onto the handbook?
 2 A I don't know that I ever saw his
 3 signature, but it's my understanding that he did,
 4 yes. I say I don't know. I don't recall seeing
 5 it, but I might have. But I think all the elected
 6 officials decided to go that way, although I don't
 7 know about the legislative delegation. I see
 8 Representative Erickson's name is on here, and I
 9 really don't know what became of that.
 10 Q I'll pass you Exhibit Number 19.
 11 (Exhibit 19, 3/28/17 Email to
 12 Keaveny from Gruber, was marked for
 13 identification.)
 14 BY MR. CROSBY:
 15 Q And I just wanted to point to the --
 16 maybe that third paragraph, Tom. Looks like an
 17 email from you to Josh Gruber. I guess you're
 18 addressing Jim Beckert there?
 19 A It looks like it's from Josh Gruber to
 20 me, even though it then says Jim. So I think I
 21 remember this situation, but let's make sure.
 22 Yeah, I think this is right. Hold on a second. Do
 23 you want me to -- are you going to ask me --
 24 Q No. I was just -- if we look at that
 25 third paragraph Mr. Gruber writes there, it says:

Page 18

1 By electronic communication to the county
 2 administrator, you voluntarily adopted this policy.
 3 A There you go.
 4 Q So would that be confirmatory?
 5 A Yeah, yes, sir.
 6 Q And this is where Mr. Beckert is
 7 attempting to require an employee to give 30 days
 8 notice --
 9 A Right.
 10 Q -- of her leaving the county's
 11 employment?
 12 A Right.
 13 Q And Mr. Gruber is pointing to Mr. Beckert
 14 that he's not allowed to do that?
 15 A Uh-huh.
 16 Q That's a yes?
 17 A Yes.
 18 Q And Maria Walls, likewise, signed the
 19 agreement to be bound by the Beaufort County
 20 employee handbook?
 21 A I don't know that I ever saw her
 22 signature, but by virtue of things that have gone
 23 on with Maria and her employees, I have to believe
 24 that she agreed to be bound by it.
 25 Q In order to accept the -- to get the

Page 19

1 services from the county, there would have to be
 2 that agreement in place?
 3 A And I understand she's -- her employees
 4 have been receiving those services, so I assume
 5 that she signed the document.
 6 Q And once the elected official signs that,
 7 the memorandum, the agreement to be bound by the
 8 employee handbook and have their personnel, their
 9 employees abide by the handbook, the county, as is
 10 pointed out in Exhibit 19, expects the elected
 11 officials and their employees to abide by the
 12 handbook?
 13 MR. BUYCK: Note my objection.
 14 THE WITNESS: You know, I would say that
 15 in general, the answer to that question is
 16 yes, but I don't think that it gave -- it
 17 certainly didn't give -- in my opinion, it
 18 didn't give the county administrator authority
 19 over their employees.
 20 BY MR. CROSBY:
 21 Q Right, but you expected that the
 22 employees abide by the various provisions in the
 23 handbook?
 24 A Sure, you know, not to take more vacation
 25 than you are allotted and what -- all the

Page 20

1 regulations that are in there, sure, grievance
 2 procedures, for instance.
 3 Q To follow the anti-harassment policies?
 4 A Yes, sir.
 5 Q Going back to the office space, tell me
 6 what is the -- that interplay with regard to office
 7 space between the county and elected officials.
 8 A So it's been a long time since I've
 9 looked at the statute that applied, but the state
 10 statute requires the counties to provide the
 11 elected officials offices and office equipment and
 12 office supplies, the things that -- I think the
 13 statute is very broad and vague. It just -- I
 14 think it says something like that the county shall
 15 provide the elected officials the resources
 16 necessary to perform their functions, and so that's
 17 what we do. That's what the county does.
 18 Q And where that office space is located
 19 is -- that is within the discretion of the county?
 20 MR. BUYCK: Note my objection.
 21 THE WITNESS: Well, at some point it is.
 22 I think it's difficult to -- I think there's
 23 some case law out there that indicates it's
 24 difficult to move -- instruct officials to
 25 move. We haven't ever tried -- I haven't ever

5 (Pages 17 to 20)



Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Holland, Aliciav. Beaufort County et al

April 7, 2021

<p style="text-align: right;">Page 42</p> <p>1 didn't have to feel that way, that I was there to 2 help all involved, even Mr. Beckert. 3 BY MR. CROSBY: 4 Q. Employees feeling uncomfortable or 5 nervous in the presence of Mr. Beckert, when 6 they're feeling like that, that interferes with 7 number one, isn't it, and that's producing the 8 product for the public? 9 MR. J. ANDERSON: Object to the form. 10 THE WITNESS: I've been a -- I was an 11 administrator for 43 years. People who can't focus 12 on the mission at hand 100 percent won't produce a 13 product that is 100 percent. 14 So, if you have gaps in the process, 15 whether it be individuals or IT software or 16 whatever, you try to find ways to fill the gaps so 17 that the product is the best it can be. 18 And in this case, those two units, the 19 auditor and treasurer, I cannot express how 20 critical that function was. And -- and we 21 facilitated -- you know, when you reach a point 22 where you can't produce a tax bill properly, I 23 decided that we would produce a written protocol 24 that the treasurer and the auditor would follow. 25 The protocol was created. It was</p>	<p style="text-align: right;">Page 44</p> <p>1 know the Bates number of what that would be or how 2 it was identified in your discovery? It might help 3 me without a copy. 4 MS. AVANT: I think the e-mail would 5 begin with Bates number 000283. 6 MR. BUYCK: Okay. Thank you. And that 7 was -- is that the Walls? 8 MS. AVANT: That's in the Walls case. 9 MR. BUYCK: Okay. 10 MS. AVANT: And for some reason, that's 11 not -- that's what -- it's on my screen, but if 12 that's not right, let me know. 13 MR. BUYCK: That's fine. I'm just 14 trying to pull it up. 15 THE WITNESS: DOR. I forgot about 16 this. 17 MR. CROSBY: Mr. Kubic, while you look 18 at that, let me take a quick break off the record 19 and give you a minute to look that over. I'm going 20 to -- 21 THE VIDEOGRAPHER: We are going off 22 record. The time is 2:11 p.m. 23 (A recess transpired.) 24 THE VIDEOGRAPHER: We are back on 25 record. The time is 2:21 p.m.</p>
<p style="text-align: right;">Page 43</p> <p>1 submitted for review to Mr. Beckert, to Maria 2 Walls, to county council for comment. Came back 3 in, we refined the product, went back to council 4 and said: Here's how we're going to produce the 5 tax bill if we follow step one to step two to step 6 three to step four. 7 I don't know if they use that still 8 today or not, but it was an attempt to make sure 9 that everything was able to be completed on a 10 timely basis for the tax bills to go out. 11 MR. CROSBY: Pass that around. 12 (PLF. EXHIBIT 7, E-mail Chain with the 13 Top Line E-mail from Cynthia Bensch Dated 9/22/16, 14 was marked for identification.) 15 MR. CROSBY: This is Exhibit Number 7. 16 MR. BUYCK: You got a Bates number? 17 MR. J. ANDERSON: No. 18 MR. BUYCK: Cynthia Bensch. 19 MR. J. ANDERSON: Ronnie, would you 20 read off the date of the two in the front? 21 MR. CROSBY: The -- the top of it is 22 an -- is an e-mail forwarded September 22nd, 2016, 23 from Cynthia Bensch to Maria Walls. 24 MR. J. ANDERSON: Thank you. 25 MR. BUYCK: Chelsi, do you happen to</p>	<p style="text-align: right;">Page 45</p> <p>1 BY MR. CROSBY: 2 Q. Before we went off, Mr. Kubic, I passed 3 to you Exhibit 7. Did you have an opportunity to 4 look that over? 5 A. Yes. 6 Q. And this is an e-mail exchange between 7 you and someone named Cynthia Bensch? 8 A. Councilman Bensch. 9 Q. She was on council at the time? 10 A. Yes. 11 Q. And what -- what was the -- the general 12 nature of what these communications related to? 13 A. Generally speaking, this is 14 communications that were generated as a result of 15 trying to develop a road map -- a written road map 16 of duties and responsibilities that involved the 17 auditor's office and the treasurer's office, county 18 administration so that each of the areas of 19 responsibility, as this memorandum had indicated, 20 these various steps would be followed, and we would 21 ultimately lead to the generation of a tax bill and 22 the collection of a tax bill. 23 Q. Was that the beginning efforts of 24 creating that protocol that you were referring to 25 earlier?</p>

12 (Pages 42 - 45)

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1 A. Yes.

2 Q. And what necessitated the need to

3 develop that?

4 A. Well, it became clear that -- to me

5 that the ability of the auditor and the ability of

6 the treasurer to coordinate their actions in

7 concert to produce a tax bill was very difficult if

8 not impossible. And so in the alternative to

9 produce what I thought would be a viable pathway

10 that all of us could walk on to produce the product

11 that if we had it in a format -- a written format

12 that we were all aware, and that includes county

13 council as well, that we could agree to it, and

14 then there would be no question as to dates and

15 times and responsibilities and levels of functions

16 that all of the various parties involved to

17 generate a bill and to collect a bill, that it

18 would work. And so these e-mails that are included

19 in this exhibit all reflect the exchanges that

20 occurred to develop that protocol -- that written

21 protocol.

22 Q. What was the source of the difficulty

23 in getting the treasurer's office and the auditor's

24 office to work in concert?

25 A. Could you repeat that, please?

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1 Q. What was the source of the difficulty

2 in getting the treasurer's office and auditor's

3 office to work in concert?

4 A. Well, I -- it's a hard question for me

5 to answer as to what the source was between --

6 because of the -- you know, there are other --

7 those two individuals involved. From my

8 perspective, it was the inability of these two

9 individuals to agree on almost anything to get the

10 bill done.

11 Q. When I look at this, in -- on the

12 second page where you're writing, I assume, to

13 Mr. Beckert, you indicate that the treasurer was in

14 concurrence with what you had come up with?

15 A. Yeah. The -- the -- as an

16 administrator, when you produce a -- a document,

17 sort of like instructions on how to get something

18 done or whatever, one of these initial steps before

19 you agree to the protocol is to have everybody --

20 to give everybody a chance to comment on the

21 proposal before it became an actual instructive

22 document. And Maria Walls agreed, Jim Beckert did

23 not.

24 Q. All right. So the source of the

25 disagreement was Jim Beckert?

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1 MR. J. ANDERSON: Object to the form.

2 THE WITNESS: The source of the

3 disagreement of this protocol was Jim Beckert.

4 BY MR. CROSBY:

5 Q. And if we look at what Councilman

6 Bensch wrote to you on the Page 1 of Exhibit 7 --

7 and this is in September 2016, correct, that --

8 this interchange?

9 A. Yes.

10 Q. And if I recall correctly, was Mr. --

11 when was Mr. Beckert sworn in?

12 A. I don't know.

13 Q. July of 2016 -- or was it '14? I meant

14 '14. I think it was '14. And he says -- she says:

15 Gary, this situation seems to be getting out of

16 control. And the situation is the inability of

17 Mr. Beckert to work with the administration and the

18 treasurer's office to generate the tax bills?

19 MR. J. ANDERSON: Object to the form.

20 THE WITNESS: I believe this is a

21 collection of -- I think the impression that

22 councilman -- Councilperson Bensch reflects in her

23 e-mail to me is a result of the complaints or the

24 arguments proffered with regard to how to create a

25 tax bill, proffered by Mr. Beckert's impression as

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1 to how to, Maria Walls's impression as to how to,

2 and to a degree my impression as to how it should

3 be done, because the IT and the generation of that

4 information was my responsibility. I have the

5 responsibility of IT.

6 So I think not knowing what each of

7 those two individuals were communicating with

8 council, I believe she was reflecting the result of

9 receiving communiqué primarily from Jim and

10 primarily from Maria, and so she drafted this

11 conclusion.

12 BY MR. CROSBY:

13 Q. And she asked you: Is there any

14 recourse to stop this?

15 A. Yeah. She did.

16 Q. And it goes further and says: He seems

17 unreachable through normal communications and

18 extremely paranoid.

19 Did you share that observation?

20 A. Did I share that observation with

21 Cynthia Bensch?

22 Q. Yeah. Did you -- did -- was your

23 observations consistent with what she wrote there?

24 A. I would say I didn't use those direct

25 words, but I think it would be reasonable for

13 (Pages 46 - 49)

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<p style="text-align: right;">Page 54</p> <p>1 his obsession with control and authority has to 2 obviously affect office morale and performance in 3 many departments, and says: I know you're very 4 concerned. 5 Was she correct that you were concerned 6 about Mr. Beckert's affect on the morale and 7 performance of the various county departments that 8 were under your control? 9 A. Yes. 10 Q. And that goes back to what you talked 11 about earlier? 12 A. It goes back to Monica Spells, several 13 of my staff members, Dave Thomas in purchasing, 14 Alicia, Maria Walls. You know, it -- it -- it's 15 without question that Mr. Beckert was a disruptive 16 force generally. 17 Q. The -- did Maria Walls relay to you 18 other concerns she had with Mr. Beckert's behavior 19 toward her other than the staring through her 20 window? 21 A. Yes. Maria on several occasions told 22 me that she was afraid. She also shared with me a 23 notebook of various things that Mr. Beckert was 24 doing in terms of affecting her department, tape 25 recording her. And she gave me a copy of that</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did -- after you carried the concerns 2 Ms. Walls raised to council, were there ever any 3 solutions proposed by council on how to alleviate 4 these concerns that she had raised to you? 5 A. It was my impression that council felt 6 that having them both present at their committee 7 meetings or allowing each of them separately or 8 collectively to address council from the podium 9 about their concerns on a matter in dispute, which 10 they permitted. 11 I do believe that I advised 12 Mr. Sommerville and Mr. Stewart of my concerns 13 regarding the inability of both parties to resolve 14 their differences so that there could be a 15 collective positive outcome in the responsibilities 16 of each at the department, because what's unique 17 about these two departments is they're independent, 18 but their product is -- is a combination of -- 19 of -- of both efforts. 20 And then the third component is the IT, 21 which is the software processing to actually create 22 the tax rolls which then go towards the final 23 product in printing the bills. 24 So, yeah, they were aware, and I think 25 the heightened awareness of it was the tax bills.</p>
<p style="text-align: right;">Page 55</p> <p>1 notebook I think with the hope that I would be able 2 to somehow correct the situation. The problem for 3 me was I was the county administrator, and I have 4 11 bosses, and besides going to the department of 5 revenue and county council, there is not much else 6 I could possibly do. I couldn't dismiss him or get 7 him out of office. He was an elected official. 8 Q. Did you go to council with the -- those 9 concerns that -- about Ms. Walls's that she had 10 expressed to you? 11 A. Yes. The procedure that I employ with 12 council, because there are 11, is that I first 13 advise, which I did, my concerns to county chairman 14 and the vice chair, and I think it was at the time 15 Paul Sommerville and Jerry Stewart. As a matter of 16 fact, the protocol -- written protocol on how to 17 get a tax bill was an example of that concern. I 18 think I addressed in several of the meetings, 19 particularly I think finance, that we were having 20 difficulties with the auditor in general. 21 And I think there were times where the 22 auditor and treasurer in those meetings were 23 present, and they both spoke to it, and it was 24 clear from their comments that -- that it was very 25 difficult for them to cooperate with each other.</p>	<p style="text-align: right;">Page 57</p> <p>1 I mean, there were disputes on language, there were 2 disputes on timeliness. And I wasn't the only one 3 that called the department of revenue. Mr. Beckert 4 called them countless times trying to get them to 5 see his way. 6 Q. And what you learned from your 7 conversations with the department of revenue was 8 that Mr. Beckert's interpretation of the laws was 9 inaccurate? 10 A. Yes. And I think a few times with the 11 extensions -- you know, they were -- they were 12 granting us extensions to push the date to produce 13 the bills back a month or so. But they were keenly 14 aware of Mr. Beckert. 15 Q. And when you were talking -- mentioned 16 earlier about Ms. Walls's concerns for her safety, 17 you were talking about her physical safety? 18 A. Yes. 19 MR. J. ANDERSON: Object to the form. 20 BY MR. CROSBY: 21 Q. And she expressed that to you? 22 A. Yes. More than one occasion. 23 Q. Was council aware that you had locked 24 Mr. Beckert out of your end of the building? 25 A. I'm not sure. I'm certain that</p>

15 (Pages 54 - 57)

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1 Mr. Beckert let them know.

2 Q. Did he ever express his displeasure to

3 you?

4 A. Oh, yeah.

5 Q. That was certainly within your

6 authority to take that action, I assume?

7 A. Yes. I think there is a -- I'm not

8 sure if there is a statute or there is a policy.

9 Maybe it's a council policy. But county

10 administrators are responsible for the -- all

11 buildings of the county, includes maintenance. The

12 only caveat would be overall security, which I

13 coordinated with the sheriff's office.

14 Q. Have you got Exhibit Number 1? Can you

15 pass him a copy there?

16 A. Give me three minutes so I can read

17 this document.

18 Q. Just take a second. You probably

19 helped write it, so...

20 A. I'm familiar with it.

21 Q. And that's the county handbook that was

22 adopted -- that version looks like August of 2016?

23 A. Yes. Resolution 2016/11.

24 Q. And I believe that in addition to

25 county employees, that the employees of the

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1 auditor's and treasurer's office signed off on that

2 document?

3 A. I believe all elected officials of the

4 county signed off on this document.

5 Q. Including council members?

6 A. Well, council doesn't hire employees.

7 I'm not sure if they did. But all the other

8 elected divisions, including I think the

9 magistrates, the courts, any other unit that had

10 separately had the capability by statute to hire

11 their own employees.

12 Q. And what was it --

13 A. All the hiring of employees for county

14 council was done through me. That's why I don't --

15 I don't know if county --

16 Q. What's the rationale on -- on having

17 the other elected officials and their employees

18 sign off and adopt this policy?

19 A. The recommendation and -- came from our

20 outside counsel, I believe, was Attorney Edwards.

21 The idea of having a personnel handbook was so that

22 the employee and the employer, whether it would be

23 county administration, auditor, or treasurer, that

24 the expectations and actions of each party would be

25 defined in writing, and that the uniform standard

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1 would be created by having all elected officials

2 consent to the rules and regulations of a personnel

3 handbook, which then offered a level of expertise

4 for HR in terms of consistent management or

5 application for vacation, sick leave, whatever the

6 provision or idea would be.

7 Q. Was the adoption by the elected offices

8 of this -- of Exhibit 1, the manual, a part of

9 the -- I guess the bargain with the county for --

10 to receive HR services and that type of thing?

11 A. Yeah. There was a -- sort of a mutual

12 understanding that the HR department was under the

13 control of the county administrator; however, to

14 assist in advertising a position or to assist in

15 management or to assist in producing documents on

16 behalf of the employee W-2, the actual paychecks,

17 how to do electronic deposit, all those things were

18 a result of a mutual understanding of how to

19 process.

20 It didn't necessarily mean that I could

21 tell any elected official who to hire. That was up

22 to them. But the process of how to manage and what

23 was expected of both sides, that was the purpose of

24 the handbook: Consistency.

25 Q. And consistency on that side, and then

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1 there was a centralized -- the elected offices got

2 the benefit of using the county's HR services like

3 you say for W-2s and --

4 A. Right. Producing a paycheck.

5 MR. J. ANDERSON: Object to the form.

6 MR. BUYCK: Note my objection, too.

7 THE WITNESS: What was your question

8 again?

9 BY MR. CROSBY:

10 Q. There was two sides to it. You had

11 consistency and policy over here, but also the

12 benefit to the elected offices would be consistency

13 and the provision of the HR services?

14 A. Yeah. There are certain requirements

15 that are involved when you hire an employee. One

16 is simply recordkeeping, timekeeping,

17 hospitalization, how to produce a paycheck. All of

18 those things were products of the HR department

19 under my administration as county administrator.

20 So the idea was instead of having all the elected

21 officials having their own HR department, their own

22 check writing, their own hospitalization, for

23 purposes of efficiency and movement, it -- it was

24 under the HR.

25 This, also, handbook was not just for

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1 elected officials, it's also for the new hires to
2 understand what their responsibilities are to the
3 taxpayer of Beaufort County.
4 Q. Right. This is the exact same handbook
5 that your staff would sign?
6 A. Yes.
7 Q. And it sets forth the expectations with
8 regard to the -- how you expect county employees
9 and those that sign off on this to act in the
10 workplace? It has --
11 MR. J. ANDERSON: Objection.
12 MR. BUYCK: Note my objection.
13 BY MR. CROSBY:
14 Q. -- certain -- certain forbidden --
15 or behaviors that are set forth in this?
16 MR. BUYCK: Same objection.
17 MR. J. ANDERSON: Me too.
18 THE WITNESS: It -- it's a -- it's a
19 personnel handbook that offers the elected official
20 the hiring authority and the employee hired by the
21 hiring authority to know in writing what the
22 expectations would be for each side. And so for
23 clarity, and also I think to protect the county
24 overall from random or haphazard claims by
25 employees against the county, if they did not

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1 follow the handbook, then they have no real
2 position to argue.
3 BY MR. CROSBY:
4 Q. And --
5 A. So, if they violated procedure, we had
6 the ability to process them through the conditions
7 and the grievance procedures defined in this book.
8 Q. And one of the purposes of the -- some
9 of the language in the handbook is to provide a
10 good working environment by prohibiting such things
11 as sexual harassment?
12 A. Yes.
13 Q. That's something that was strictly
14 forbidden by the county?
15 A. Appropriate behavior.
16 Q. If we look at Page 6 at Paragraph 1.3,
17 it has an anti-harassment policy set forth there.
18 A. Page 6, 1.3, yes.
19 Q. And in the second sentence, it says:
20 In addition to county endeavors to provide a
21 working environment in which employees are free
22 from discomfort or pressure resulting from jokes,
23 ridicule, slurs, gossip, threats, bullying,
24 harassment whether relating to such distinctions or
25 simply resulting from a lack of consideration for a

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1 fellow human being.
2 And then it says: The county does not
3 tolerate harassment of any kind and strictly
4 forbids retaliation against anyone who has reported
5 harassment in good faith.
6 A. Yes. That's what it says.
7 Q. And basically it's -- what we've talked
8 about earlier, your efforts that we've talked about
9 to protect your staff and your employees from some
10 of Mr. Beckert's conduct were in effort to provide
11 the working anti -- harassment-free environment to
12 your employees?
13 A. That's correct. That's just sound --
14 sound management.
15 Q. Because what -- what Mr. Beckert's
16 conduct, as you observed, would -- rose to the
17 level of what one would describe as harassment
18 within this definition?
19 MR. J. ANDERSON: Objection.
20 THE WITNESS: Are you asking me whether
21 or not Mr. Beckert violated this provision as
22 written in the employee handbook?
23 BY MR. CROSBY:
24 Q. That's another way of saying it.
25 A. I would have to say I agree with that

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1 assessment.
2 Q. And what you did to the best of your
3 ability was try to protect the county's employees
4 from that type of environment?
5 A. Yes.
6 Q. And you actually tried to -- in some
7 respects to -- to help protect Maria Walls from
8 that conduct by putting up the cameras and taking
9 the concerns to county council?
10 A. Yes.
11 MR. J. ANDERSON: Objection.
12 BY MR. CROSBY:
13 Q. Go over to page -- let me -- let me ask
14 something before this. There is always this issue
15 about Jim Beckert that seems to permeate, and that
16 is that no one could do anything about him because
17 he was an elected official. That was -- and you
18 and I have talked about that, that you didn't have
19 statutory authority to control an elected official,
20 correct?
21 A. Yes.
22 Q. The office of the auditor and the
23 treasurer are in county-owned property?
24 A. Beg your pardon?
25 Q. The offices of both the treasurer and

17 (Pages 62 - 65)

Gary T. Kubic
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1 the auditor are located in county-owned property?

2 A. Yes.

3 Q. And I take it the county provides a

4 budget for their offices?

5 A. County council does the appropriation

6 for each of the units.

7 Q. Was there ever any discussion while you

8 were employed with the county about separating the

9 offices or moving Jim Beckert's office to another

10 location?

11 A. Well, we had discussions because we

12 were locating satellite offices and had satellite

13 offices for both the auditor, treasurer, and other

14 functions on Hilton Head. We remodeled one stop

15 for the Bluffton South of the Broad office. But I

16 did not engage -- I did not suggest moving

17 Mr. Beckert out of his main office as a result

18 of -- of these matters.

19 Q. Page 8, Paragraph 1.6.

20 A. Page 8. Okay. What paragraph?

21 Q. 1.6.

22 A. All right.

23 Q. And this -- point you to that second

24 sentence there where it says: Non-employees may be

25 reported to appropriate law enforcement, which you

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1 did that, and I believe Mr. -- Ms. Walls may have

2 done that over time. And it says that and/or

3 barred from the premises.

4 Do you have -- and what you're telling

5 me is that never was a discussion between you and

6 council to your recollection as to whether

7 Mr. Beckert could be moved and barred from the

8 premises over in Ribaut Road?

9 A. Well, two things: One, this particular

10 paragraph I would question as to whether it applies

11 to an elected official or not. And in that sense,

12 to answer your question directly, I did not have

13 any discussions regarding removal of Mr. Beckert

14 from any of his offices to someplace else as a

15 result of these discussions we're having here.

16 Q. Well, it has two categories of people,

17 either employees or non-employees?

18 A. Right.

19 Q. And Mr. Beckert, what you told me, is

20 not an employee?

21 MR. J. ANDERSON: Objection.

22 THE WITNESS: In my interpretation,

23 Mr. Beckert is an elected official and not an

24 employee in the sense that he's required to work a

25 40-hour week, that he's required to accrue vacation

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1 or sick as a regular employee. There is a separate

2 category for elected officials in my opinion. I

3 don't know whether it's defined by statute. But he

4 is not considered a regular employee for this

5 personnel handbook.

6 BY MR. CROSBY:

7 Q. He signed a copy, didn't he?

8 A. He signed -- all the elected officials

9 sign these copies to accept the handbook as a tool

10 for new hires in terms of defining the

11 relationships between the hiring authority and the

12 employee.

13 Q. Do you have any understanding as -- as

14 to whether Mr. Beckert currently is allowed in the

15 county building?

16 A. Well, I don't have any direct

17 knowledge, but I have received a few phone calls

18 that he has been moved to another location.

19 Q. And -- and I guess that's what I was

20 getting at. I mean, council apparently took that

21 step and made that decision currently, and that

22 was -- all this was just directed as whether or not

23 that had ever come up in your tenure about moving

24 him?

25 A. No. Not to remove him from his office

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1 location.

2 Q. And the county owns the building and

3 controls the building, correct?

4 A. Yes.

5 Q. And presumably since they've done it

6 now, had council wanted to take that action when

7 you first brought these complaints to their

8 attention, they could have done so?

9 MR. BUYCK: Note my objection.

10 MR. J. ANDERSON: Objection.

11 MR. BUYCK: In a matter of law.

12 THE WITNESS: Well, I suppose they

13 could have. I don't know if it was offered as a

14 solution.

15 BY MR. CROSBY:

16 Q. That -- it would be council that would

17 have to make that decision, correct? It wouldn't

18 be --

19 A. It's not me.

20 Q. You wouldn't have that power?

21 A. Huh-uh. Maybe the governor.

22 Q. And with regard to the employees, there

23 is certain rules set out in here about conduct and

24 a lot of other stuff, but how employees are to

25 conduct themselves as county employees. And there

18 (Pages 66 - 69)

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1 is also expectations that the county is going to
 2 endeavor to provide that nonhostile,
 3 harassment-free workplace for the employees --
 4 A. Yes.
 5 Q. -- correct?
 6 It's a two-way street there. Employees
 7 are expected to not harass people, and if the
 8 county sees it, the county is expected to take
 9 action to protect those employees?
 10 A. There is multiple facets of conduct
 11 required by a public employee. First and foremost,
 12 they have to treat the public under the same
 13 conditions in terms of respect and appropriate
 14 behavior. You can't swear at an employee or a
 15 taxpayer just because he disagrees with the amount
 16 on his tax bill. There is proper conduct that way.
 17 There is also parameters that -- in
 18 this handbook as to how employee-to-employee
 19 conduct should be entertained in the workplace,
 20 just to protect not only from sexual harassments,
 21 but in terms of providing a workplace where people
 22 can feel safe as an employee, be able to conduct
 23 their business with fellow employees without having
 24 to worry about interference from another individual
 25 who may disagree or just don't like the clothes

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1 you're wearing that day.
 2 And so this handbook was recommended by
 3 outside counsel to create a standard for both
 4 employee and employer to follow so that there would
 5 be a clear understanding that if there was a breach
 6 on anyone's part, there was a basis for either
 7 dismissal or discipline, whatever was deemed
 8 appropriate based on the grievance or the poor
 9 conduct.
 10 Q. What you're telling me in a -- in a
 11 broad sense, sort of long answer is that this is
 12 the expectation for anyone in county -- on county
 13 property, whether it be the public or employees or
 14 anyone else, that this was expected -- was intended
 15 to provide as a guidance for behavior, period?
 16 MR. J. ANDERSON: Objection.
 17 MR. BUYCK: Same objection.
 18 THE WITNESS: Yes. And it's also -- it
 19 was designed to help -- you know, an elected
 20 official, you don't have to be a manager of an
 21 employee, you don't have any qual -- real
 22 qualifications to hold public office, all except is
 23 you have to win the most popular vote. So there is
 24 no assumption for me as a -- or from a county
 25 administrator that because you get elected, you

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1 automatically have all the knowledge and
 2 intelligence and experience to manage and conduct
 3 employees or procedures.
 4 And so it's a handbook, not only for
 5 the employees you hire, but it's also a handbook
 6 for the elected official or hiring authority to
 7 understand and know those rules as well because an
 8 elected official just comes from the general
 9 population. There are no, quote/unquote,
 10 requirements that you have to be in business or
 11 have a certain degree. If you have the right age
 12 and you're a resident, you probably can run for any
 13 position. So it's -- it's designed to help both
 14 parties -- all parties, actually.
 15 BY MR. CROSBY:
 16 Q. Were you ever asked by any of the
 17 council members to resolve any of these issues
 18 related to Jim Beckert in his favor one way or the
 19 other?
 20 A. Could you repeat the question, please?
 21 Q. Were you ever asked to resolve any of
 22 the issues that would come up about Jim Beckert in
 23 a -- in a fashion that was favorable to him?
 24 A. There were several times where a
 25 conflict would exist with Mr. Beckert and Maria or

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1 Mr. Beckert and IT, and council would ask me in
 2 terms of my responsibilities and duties as county
 3 administrator to help resolve the issue, which I
 4 did try to do. But as I was reminded by
 5 Mr. Beckert, that he is an auditor under a separate
 6 chapter of the South Carolina code of law and that
 7 his duties and responsibilities are defined by
 8 that, and that I have no real ability to instruct
 9 him or order him or advise him as to what conduct
 10 would be appropriate for his office.
 11 But council did ask, as anyone would
 12 in -- as a reasonable person, look, let's get the
 13 issue on the table, let's expose our differences,
 14 and let's come to a solution so that, you know, a
 15 product is produced for the taxpayer.
 16 Q. Did any individual councilman ever ask
 17 you to side with Beckert or, you know, try to --
 18 with regard to any of these conflicts?
 19 A. I don't -- I don't -- to answer your
 20 question with the word side, I think they're smart
 21 enough -- I think councilmen basically in these
 22 public meetings would encourage -- I would rather
 23 use the encourage -- to take a look at
 24 Mr. Beckert's arguments and determine whether or
 25 not any facets of his arguments had merit, and

19 (Pages 70 - 73)

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Ex. 3

Beaufort County Adopts Testimony: Topic 14: The Role of the Auditor in Calculating the County's Millage

In the Matter of:

ALICIA HOLLAND

VS.

**BEAUFORT COUNTY, and JAMES BECKERT,
Individually, and in his official capacity**

David Cadd

September 28, 2021

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David Cadd - 9/28/2021

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<p>1 giving me a pay raise. And I said, I didn't want a 2 pay rise because the pay raises for -- the county 3 staff was on hold due to the coronavirus, the 4 COVID-19. And so until they got theirs, I didn't 5 want to discuss my pay raise. That's just the way I 6 have been taught. So I said no. I said, once we 7 learn what's going to be done with them, then we can 8 discuss mine. 9 Q So in January of 20-- I mean, December 10 of 2020, he was offering you an increase in pay? 11 A Yes. 12 Q And did he tell you why he was wanting to 13 increase your pay? 14 A He said I was doing a good job. I was 15 holding down the fort because he was no longer 16 allowed in the building due to a different 17 situation, and I said, okay. So he said I was doing 18 a good job. I was taking care of everything. I was 19 making sure that when the court came out and told 20 him he had to fix the tax bills, that I was keeping 21 up with that. Making sure everything was being 22 done. So I said, okay. That's great. And, 23 basically, you know, that was it and yep. That -- 24 yeah. That was it. 25 Q Why was -- why was he resisting the tax</p>	<p>bill issue? What was the problem there? 2 A He felt like -- 3 MR. ANDERSON: Object to the form. 4 A I'm sorry? 5 BY MR. CROSBY: 6 Q You can go ahead. 7 A Okay. 8 Q You may hear lawyers object to a question 9 every now and then. 10 A Okay. 11 Q He didn't like the way I asked the 12 question, but that's okay. You can answer it. 13 A What he -- Mr. Beckert told me in his own 14 words were that he was responsible for setting the 15 debt millage and not county council, and they set 16 it, and he didn't approve it. So he was going to 17 change it in the computer system. 18 Q And help me -- help me understand that a 19 little bit better. You -- you guys work in this 20 finance stuff. Help me -- help me understand how 21 that affected my tax bill from Beaufort County. 22 A The millage is set by county council. 23 They -- they have a finance committee that 24 determines the millage -- whoever is on the finance 25 committee is determined by the county. That's where</p>
Page 15	Page 16
<p>1 they get their information. They get all their 2 information together between that, the -- you know, 3 the finance department and everything. And then, 4 from that point, they go forward, and after they 5 agree to it, then, they present it for the three 6 readings to county council to approve the millage 7 rate. 8 Mr. Beckert felt like the debt 9 millage, which is a separate from the operation 10 millage, which I was just was talking about, was 11 set -- is to be set by him. The critical ans came 12 up with a debt millage level. He did not approve of 13 it because he didn't feel like it was going to -- 14 that they miscalculated is what he told me. They 15 miscalculated. So after the county council approved 16 the millage for the debt millage for critical role 17 of lands, he came back and changed it to a different 18 level, which was higher than what they originally 19 had. 20 Q He on his own changed it in the -- in the 21 system? 22 A On his own, he sent an e-mail out to 23 county council from what I understand. I didn't -- 24 I didn't see the e-mail that he was changing the 25 millage rate.</p>	<p>1 Q Did he have authority to do that? 2 A I don't know. I -- I just don't know. I 3 mean, through my training, everything was set by 4 county council. Not by Mr. Beckert. But, I mean, 5 that's in the courts right now. So I -- I really 6 can't justify who's right or who's wrong. 7 Q Do you know whether the court had ruled on 8 that? 9 A I -- I do not. I don't -- that's with the 10 county right now. I do not know if the court has 11 ruled on that yet or not. I know it was before 12 Judge Mullens before I left back in October or 13 November of 2020. 14 Q Give you Exhibit Number 50. 15 (Plaintiff's Deposition Exhibit No. 16 50 was marked for identification.) 17 A Yes, sir. 18 BY MR. CROSBY: 19 Q Pass that around, the two copies if you 20 don't mind. 21 A Oh, I keep the yellow one. Check. 22 Q I think you're copied on -- on that -- on 23 the CC line? 24 A Usually, yes. Most e-mails, I am. Yes, 25 sir.</p>

4 (Pages 13 to 16)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

JOHN HERVOCHON

September 27, 2021



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JOHN HERVOCHON - 9/27/2021

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<p>1 MR. CROSBY: You said the next one would 2 be 27? 3 (Exhibit 27, 10/22/19 Email to 4 Hervochon from Caporale, was marked for 5 identification.) 6 BY MR. CROSBY: 7 Q If you'd just take the one with the 8 yellow sticker and then pass the other two to 9 Mr. Buyck. 10 Who is Rick -- is it Caporale? 11 A Caporale. 12 Q Caporale. 13 A He was my predecessor on county council. 14 Q You took his place? 15 A Yes, sir. 16 Q This is an email from Mr. Caporale to you 17 attaching a piece that he had written for who he 18 refers to there as the Duke of Dyslexia. That's 19 Mr. Beckert? 20 A Presumably. 21 Q Is that something that you -- the manner 22 in which you refer to Mr. Beckert? 23 A No, sir. 24 Q And here he's indicating to you that this 25 is a press release that he wrote for Mr. Beckert.</p>	<p>1 Why would he -- why is he forwarding that to you? 2 A I don't recall specifically. 3 Q Do you have an understanding of why 4 Mr. Caporale would be drafting a press release for 5 Mr. Beckert? 6 A No, I don't. I know that Rick and Jim 7 had some sort of relationship when Rick was on 8 counsel, but beyond that, I don't know why he would 9 do that. 10 Q Did you have a conversation with 11 Mr. Caporale about the press release that was -- he 12 had drafted? 13 A I don't recall. 14 Q You are familiar with the I guess 15 controversy or discussion surrounding the contents 16 of the press release? 17 A Correct. 18 Q Is that the matter that ended up with the 19 independent auditing firm coming in and looking 20 into the matter? 21 A Can you specify the question? 22 Q Do you recall in some of these financial 23 discussions an issue that arose between Mr. Beckert 24 and Alicia Holland regarding some of the 25 calculations?</p>
Page 11	Page 12
<p>1 A Which calculations are you referring to? 2 Q Well, I'm referring to the ones that are 3 in this memo. 4 A And can you repeat the question, please? 5 Q Do you recall when this controversy 6 arose? 7 A I do. This is in reference to the 8 rollback millage, if I'm not mistaken. 9 Q Do you know what kind of relationship 10 Mr. Caporale and Mr. Beckert had such that he would 11 be writing public press releases? 12 A No, I do not. 13 Q Did you question that at the time? 14 A His relationship? 15 Q Yeah, and why he would be drafting a 16 press release. 17 A I don't recall. 18 Q And you developed a relationship with 19 Mr. Beckert whereby you would help him draft 20 documents, correct? 21 A I don't recall ever helping draft 22 documents. I recall asking for information to be 23 presented a little bit more clearly, but as far as 24 drafting, no. 25 Q Do you recall helping him edit some of</p>	<p>1 his emails? 2 A Edit emails? 3 Q Yes, some of the information that he was 4 sending out. 5 A I don't recall that, no. 6 (Exhibit 28, Email Chain Ending in a 7 6/22/20 Email to Beckert from Hervochon, 8 was marked for identification.) 9 BY MR. CROSBY: 10 Q And here's where Mr. Beckert was to 11 present to the Beaufort County School District, and 12 he sent you a draft of his presentation, asked for 13 your input? 14 A Uh-huh, yes, sir. 15 Q Do you remember that? 16 A Not specifically, no, sir. 17 Q Why would Mr. Beckert be requesting your 18 input into his presentation? 19 A I had told him several times that he 20 needed to present information to public bodies more 21 clearly, and I'm presuming that this was the 22 genesis of one of those conversations. 23 Q Did you ever review the final draft of 24 this presentation? 25 A I don't recall.</p>

3 (Pages 9 to 12)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

<p style="text-align: right;">Page 45</p> <p>1 to him that what he was saying was inaccurate?</p> <p>2 A I don't have an independent recollection</p> <p>3 of having talked to him, but I indicate in my email</p> <p>4 that we had explained -- we had explained this to</p> <p>5 him previously. As I said, we'd explained Item A</p> <p>6 to Mr. Beckert. He simply doesn't like the answer,</p> <p>7 and he won't accept it.</p> <p>8 Q And that was -- quite often if you</p> <p>9 explained something to Mr. Beckert that was</p> <p>10 contrary to what he was saying, he wouldn't like</p> <p>11 the answers?</p> <p>12 MR. ANDERSON: Objection.</p> <p>13 THE WITNESS: There were times when he</p> <p>14 disagreed with us, yes.</p> <p>15 BY MR. CROSBY:</p> <p>16 Q And you write here: He would rather</p> <p>17 continue his personal crusade against the treasurer</p> <p>18 by alleging she's violating state law?</p> <p>19 A Yes.</p> <p>20 Q And you believed he had a personal</p> <p>21 crusade against Maria Walls?</p> <p>22 MR. ANDERSON: Objection.</p> <p>23 THE WITNESS: He seemed -- he seemed to,</p> <p>24 yes, by that time.</p> <p>25 BY MR. CROSBY:</p>	<p style="text-align: right;">Page 46</p> <p>1 Q Did you also observe over time that he</p> <p>2 had a crusade against Alicia Holland?</p> <p>3 MR. ANDERSON: Objection.</p> <p>4 THE WITNESS: No, I didn't. I didn't</p> <p>5 learn about problems that Alicia and</p> <p>6 Mr. Beckert had until later on, and my</p> <p>7 impression was that I learned about them at or</p> <p>8 about the time they arose. I don't think that</p> <p>9 was as early as February in 2018.</p> <p>10 The problems with Mr. Beckert and</p> <p>11 Ms. Walls started immediately when they both</p> <p>12 got sworn in. I mean, they had disagreements,</p> <p>13 they weren't necessarily acrimonious, but as</p> <p>14 the disagreements continued, they got more</p> <p>15 intense, they got acrimonious, but Ms. Holland</p> <p>16 was not involved initially.</p> <p>17 BY MR. CROSBY:</p> <p>18 Q And you write here: Frankly, I believe</p> <p>19 that is defamatory per se, and what you mean by</p> <p>20 that is that by accusing her -- falsely accusing</p> <p>21 Ms. Walls of violating state statutes, that could</p> <p>22 harm her reputation?</p> <p>23 MR. ANDERSON: Objection.</p> <p>24 MR. BUYCK: Note my objection.</p> <p>25 THE WITNESS: Harm her representation in</p>
<p style="text-align: right;">Page 47</p> <p>1 her profession.</p> <p>2 BY MR. CROSBY:</p> <p>3 Q Yeah.</p> <p>4 A Right?</p> <p>5 Q Then you say you suspect it's only a</p> <p>6 matter of time before she decides she's had enough</p> <p>7 and takes some kind of action, which I guess you</p> <p>8 accurately predicted, it just might have took</p> <p>9 longer than you thought?</p> <p>10 A Yes.</p> <p>11 Q And then you say: If Mr. Kubic were</p> <p>12 still here, he would have taken action by now.</p> <p>13 A Yes.</p> <p>14 Q What do you think that Mr. Kubic would</p> <p>15 have done?</p> <p>16 A Well, Mr. Kubic -- so here we're talking</p> <p>17 in February of 2018. Mr. Kubic had been gone since</p> <p>18 September of 2017 and actually really kind of</p> <p>19 really since the summer of 2017 when his parents --</p> <p>20 when his mother died first and then his dad died.</p> <p>21 But Mr. Kubic was a very hands-on guy.</p> <p>22 He was a -- so I think he would have been much more</p> <p>23 aggressive in talking to Mr. Beckert, you know,</p> <p>24 frankly and candidly, and I think that his absence</p> <p>25 just kind of allowed -- created a bit of a vacuum</p>	<p style="text-align: right;">Page 48</p> <p>1 that Mr. Beckert filled.</p> <p>2 Q What is -- let me ask, before we move on</p> <p>3 to that, did Alicia Holland ever discuss with you</p> <p>4 any issues she was having with Jim Beckert?</p> <p>5 A She did, and I believe she did that in a</p> <p>6 personal -- not as a county attorney, as a just</p> <p>7 one-on-one personal relationship.</p> <p>8 Q And tell me what she relayed to you.</p> <p>9 A You know, this is a long time ago, and as</p> <p>10 you know, a lot has gone on since 2015 here. We've</p> <p>11 been through four administrators, interim and not,</p> <p>12 and it's just kind of hard to keep some of these</p> <p>13 things straight.</p> <p>14 But it's my recollection that in -- that</p> <p>15 a real controversy seemed to arise between Alicia</p> <p>16 and Jim Beckert in 2019 when he started challenging</p> <p>17 her calculation of the value of the mill. And the</p> <p>18 value of the mill was critical because -- to county</p> <p>19 government because it is the basis for determining</p> <p>20 how many mills people will be taxed on their tax</p> <p>21 bill.</p> <p>22 And the budgets are done in the spring,</p> <p>23 and they have to be passed by state law. County</p> <p>24 budgets have to be passed by June 30th. And so in</p> <p>25 figuring out what your budget is, county council</p>

12 (Pages 45 to 48)

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1 has to figure out what their expenses are, what
2 they're going to buy, what they're not going to
3 buy, what their personnel costs are going to be,
4 and all of that.

5 So unlike most of us, you know, when
6 we're in private practice, you think, okay, well,
7 what are my revenues, and then I'll kind of figure
8 out what my overhead can be and what my expenses
9 can be. Government is more like, well, what are
10 our expenses, and everybody tries to keep them down
11 as much as they can, and then they say, okay, well,
12 how much money -- how many mills do we have to
13 charge the taxpayers in order to make that
14 expenditure? And in order to do that, you've got
15 to figure out what the value of the mill is because
16 that figure -- that determines how many mills
17 people are charged.

18 So the value of the mill is very
19 important, and when Mr. Kubic was here, Mr. Kubic
20 had a finance background, came here from Ohio and
21 was in some capacity I think in finance. I know
22 that was his background. And he and Alicia worked
23 very well together. And Alicia was our CFO, she's
24 a CPA, and she's an amazingly capable person and
25 professional.

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1 And she had been calculating the value of
2 the mill -- she and her department, the finance
3 department, had been calculating the value of the
4 mill for budget purposes for years and years and
5 years, and Mr. Beckert decided he wanted to get
6 involved in that issue, and he started challenging
7 Alicia's -- the process she used to calculate the
8 value of the mill, and that was the issue that I
9 became aware of.

10 And I remember being in a meeting with
11 her one day and -- one morning over by my office,
12 and she and I and maybe one or two other assistant
13 county administrators, and she was like sitting to
14 my right, and she said, "Tom, I just feel like I'm
15 having heart issues." I told her she needed to
16 call her doctor immediately and get in to her
17 doctor. And she was saying it was because
18 Mr. Beckert was just haranguing her and wouldn't
19 let up on her, and it was having -- taking a
20 physical toll on her.

21 So that's really -- that was the -- that
22 was the -- kind of the summer. It was the summer
23 of 2019 that I recall.

24 Q And was it just the one occasion that she
25 confided in you?

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1 A No, no. She confided in me several
2 times, but just on person-to-person, not as a
3 county attorney. She wasn't calling me and asking
4 me for legal advice as a county attorney about how
5 to handle Mr. Beckert.

6 But I recommended that she -- we have no
7 control over Mr. Beckert. Everybody knows we have
8 no control over Mr. Beckert, and she knew we didn't
9 because she was a witness to all the stuff that had
10 been going on with Maria, because, obviously, Maria
11 and Alicia work together. It's all finance. It's
12 numbers. Maria collects the revenue, and Alicia
13 accounts for it and all of that, so everybody --
14 you know, everybody works hand in hand and closely
15 on these issues.

16 And so yeah -- so yeah, so she and I
17 talked many times about it.

18 Q Did you ever -- let me ask you this:
19 What steps, if any, did Ashley Jacobs take to
20 intervene on Ms. Holland's behalf?

21 A Like I said, Ms. Jacobs and I did not
22 have a good relationship, and we didn't talk. I
23 mean, I think the last time -- we just -- the last
24 time we talked productively was probably early
25 summer/late spring of 2019, so by the time that

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1 Alicia was telling me of these issues, Ms. Jacobs
2 and I had a strained relationship.

3 Q What was the source of that?

4 A I really don't know. I mean, I can
5 speculate, but there's no purpose in that.

6 Q You never learned why y'all -- why your
7 relationship became strained?

8 A No, no.

9 Q So you're -- as we sit here, are you
10 aware of anything that Ms. Jacobs did to -- with
11 regard to Ms. Holland's situation with Jim Beckert?

12 A I don't know what she did or didn't do.
13 Truly, I have no information.

14 Q In the accusations that Mr. Beckert would
15 make with regard to Ms. Walls violating statutes,
16 did you ever make a determination that she had
17 violated state law?

18 A Oh, I don't -- I don't think I ever
19 concluded that either one of them violated state
20 law, certainly not intentionally violated state
21 law. I can't sit here and say I remember telling
22 Maria that I disagreed with her interpretation of
23 the statute, but I can imagine that happened. I'm
24 confident that I -- I don't have independent
25 recollection of specific issues with Mr. Beckert,

13 (Pages 49 to 52)



Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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D. Paul Sommerville
Holland, Aliciav. Beaufort County et al

April 8, 2021

<p style="text-align: right;">Page 26</p> <p>1 THE VIDEOGRAPHER: We are back on</p> <p>2 record. The time is 2:55 p.m.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q. Mr. Sommerville, can you get the</p> <p>5 document that's marked as Exhibit 16?</p> <p>6 A. Yes.</p> <p>7 Q. Is that an e-mail from Alicia Holland</p> <p>8 to you?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall why she would have been</p> <p>11 forwarding you her resignation letter at this point</p> <p>12 in time?</p> <p>13 A. I'm sorry?</p> <p>14 Q. Do you recall why she would have</p> <p>15 been -- I think she had already left the County's</p> <p>16 employment by this time. Do you know why she would</p> <p>17 have been forwarding you her resignation letter?</p> <p>18 A. I don't recall specifically, no.</p> <p>19 Q. Did y'all bump into each other or have</p> <p>20 a conversation whereby that came up and later she</p> <p>21 sent you this?</p> <p>22 A. I recall have -- well, I had numerous</p> <p>23 conversations with her since she left. I recall</p> <p>24 one conversation that had to do with her</p> <p>25 resignation and I think I remember saying, "I have</p>	<p style="text-align: right;">Page 28</p> <p>1 anyone else?</p> <p>2 A. I don't recall.</p> <p>3 Q. It looks like Ashley Jacobs had sent it</p> <p>4 to yourself and the other members of -- of council.</p> <p>5 A. That's what it appears to me. It</p> <p>6 appears that I received it and forwarded it to</p> <p>7 Alicia.</p> <p>8 Q. And where she indicates in that first</p> <p>9 line where she says that, "He," being Jim Beckert,</p> <p>10 "has harassed and bullied Maria, myself," Maria and</p> <p>11 herself, you would agree that that's -- Jim</p> <p>12 Beckert's conduct was, toward Maria Walls and</p> <p>13 Alicia Holland, was -- would be considered as</p> <p>14 harassment and bullying in nature?</p> <p>15 A. Well, I never witnessed any of this</p> <p>16 firsthand, but this is the way Jim Beckert's</p> <p>17 actions were characterized to me by Maria and</p> <p>18 Alicia.</p> <p>19 Q. All right. When they would talk to you</p> <p>20 about it, they would relay it in those terms, that</p> <p>21 he was a bully and that he was harassing them?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever witness Jim Beckert</p> <p>24 exhibit that type of behavior to anyone?</p> <p>25 A. The only thing I recall seeing him do</p>
<p style="text-align: right;">Page 27</p> <p>1 never seen your resignation" so that may have</p> <p>2 triggered it.</p> <p>3 Q. And she later forwarded that to you</p> <p>4 with her comments about her decision to leave?</p> <p>5 A. Yes, yes.</p> <p>6 Q. And then Exhibit No. 17 looks like a</p> <p>7 reply to an e-mail received from you to Alicia</p> <p>8 Holland. Is that where she wrote back and said</p> <p>9 that, "Jim Beckert is a sick and dangerous</p> <p>10 individual. He has harassed and bullied Maria,</p> <p>11 myself, and Ebony that I am aware of. There may be</p> <p>12 others I'm not aware of. Jim is the primary reason</p> <p>13 I left my employment with Beaufort County."</p> <p>14 Did you forward to Alicia Holland a</p> <p>15 copy of the lawsuit that was filed by Maria Walls?</p> <p>16 A. I may have. I don't -- I don't</p> <p>17 specifically recall. I -- I'm trying to think if I</p> <p>18 had it. I'm pretty sure I had it.</p> <p>19 Q. I mean, it has at the top of it, the</p> <p>20 subject line in -- in that e-mail, the next e-mail</p> <p>21 down is from you to Alicia Holland and the subject</p> <p>22 is "Maria Walls versus Beaufort County."</p> <p>23 A. I don't doubt that I did. I just don't</p> <p>24 specifically recall it.</p> <p>25 Q. Do you know if you forwarded it to</p>	<p style="text-align: right;">Page 29</p> <p>1 was he had a phone that he liked to carry out where</p> <p>2 everybody could see it. At least that was my</p> <p>3 impression. Maybe some people carry their phone</p> <p>4 anyway, maybe some people just walk around with it.</p> <p>5 But I guess it was Maria or Alicia who said that --</p> <p>6 that he was recording them and as a -- as a method</p> <p>7 of harassing them.</p> <p>8 Q. And you -- you had witnessed that</p> <p>9 yourself?</p> <p>10 A. Well, I witnessed him -- witnessed him</p> <p>11 with a phone in his hand, but I don't know. I</p> <p>12 can't say what he was doing with it. I mean, I --</p> <p>13 Q. It appeared to you that he could have</p> <p>14 been recording?</p> <p>15 A. He certainly could have been.</p> <p>16 MR. ANDERSON: Object to the form.</p> <p>17 BY MR. CROSBY:</p> <p>18 Q. When he would walk around with it, he</p> <p>19 would have the camera side pointing out?</p> <p>20 A. I don't recall.</p> <p>21 Q. On Exhibit 15, it references hiring an</p> <p>22 outside firm to help determine if the millage had</p> <p>23 been calculated correctly. Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. And that the cost was going to be</p>

8 (Pages 26 - 29)

D. Paul Sommerville
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1 around \$10,000?

2 A. Yes, I do recall that.

3 Q. And that -- that arose because of

4 Mr. Beckert's claim that Alicia Holland had

5 improperly calculated the millage?

6 A. Correct. As I recall, he questioned

7 her methodology and demanded that the County do an

8 audit or out- -- bring in an outside auditor to

9 confirm his -- his belief which was different from

10 hers.

11 Q. And the results of the outside

12 auditor's work confirmed that Ms. Holland was doing

13 her calculations correctly?

14 A. That's my recollection, yes.

15 Q. Exhibit No. 14 is a letter to Alan

16 Wilson, the attorney general, in March 6, 2018. Do

17 you recall a request about changing the form of

18 government?

19 A. Yes.

20 Q. And on the second page there is a, as

21 part of the request, there was a request of the

22 attorney general as to whether or not if the

23 referendum was successful whether one of the

24 positions could be -- remain elected and one of

25 them be appointed by the County. Do you recall

Page 31

1 that?

2 A. Yes.

3 Q. Why were you making that particular

4 request?

5 A. This is signed by the assistant County

6 attorney, Chris Inglese.

7 Q. You're copied on it, but --

8 A. Yes.

9 Q. -- there would have had to have been an

10 approval from -- for him to send that request, it

11 was at the request of either council or yourself as

12 chairman?

13 A. Oh, yeah, I don't specifically remember

14 the conversations that led up to it, but I remember

15 we talked about it a lot. I say "we." I mean the

16 administrator and I talked about it. The vice

17 chairman and I talked about it. Some of the

18 council members talked about it.

19 Q. Is that something that's still under

20 review?

21 A. Yes.

22 Q. Was -- was there ever a response to

23 this letter from the attorney general?

24 A. I don't know. I don't recall.

25 Q. At some point after Jim Beckert was

Page 32

1 denied access to the County administration

2 building, did you learn that he was being granted

3 access?

4 A. Yes.

5 Q. How did you learn that?

6 A. It was told to me by a staff member and

7 I'm not sure which one or ones it may have been.

8 Q. And what was your take on that?

9 A. Well, I was surprised and I was

10 concerned.

11 Q. What were you concerned about?

12 A. My -- it was my understanding that he

13 had been forbidden to come in the building.

14 Q. And also forbidden to have any direct

15 contact with any County employees?

16 MR. ANDERSON: Object to the form.

17 THE WITNESS: Yes.

18 BY MR. CROSBY:

19 Q. And that was something that you, as a

20 council member, thought was an appropriate action?

21 MR. ANDERSON: Objection.

22 THE WITNESS: Absolutely. It was the

23 first thing that I can recall that had any teeth in

24 it. By that -- by that, what I mean is that we

25 were -- we could actually do something to help

Page 33

1 these people.

2 BY MR. CROSBY:

3 Q. And to -- to help shield them from Jim

4 Beckert's --

5 A. Yes.

6 Q. -- harassing behavior?

7 A. Yes.

8 Q. And just -- just looking over time, his

9 behavior over the last several years leading up to

10 this decision to restrict his access, it had

11 been -- what you were hearing had been pretty much

12 the same, the way he was harassing and bullying

13 different people?

14 A. Yes, but as time went on -- yes, yes.

15 Q. As time went on, did it escalate?

16 A. I was about to say that as time went on

17 there were more and more people involved in those

18 conversations.

19 Q. And his behavior had been pervasive

20 throughout that time and even getting worse?

21 MR. ANDERSON: Object to the form.

22 THE WITNESS: That's an opinion.

23 Perhaps.

24 BY MR. CROSBY:

25 Q. Well, just the complaints that you --

9 (Pages 30 - 33)

Ex. 3

Beaufort County Adopts Testimony: Topic 15: The Relationship Between County Council Members and Beckert

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

JOHN HERVOCHON

September 27, 2021



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JOHN HERVOCHON - 9/27/2021

Page 9	Page 10
<p>1 MR. CROSBY: You said the next one would 2 be 27? 3 (Exhibit 27, 10/22/19 Email to 4 Hervochon from Caporale, was marked for 5 identification.) 6 BY MR. CROSBY: 7 Q If you'd just take the one with the 8 yellow sticker and then pass the other two to 9 Mr. Buyck. 10 Who is Rick -- is it Caporale? 11 A Caporale. 12 Q Caporale. 13 A He was my predecessor on county council. 14 Q You took his place? 15 A Yes, sir. 16 Q This is an email from Mr. Caporale to you 17 attaching a piece that he had written for who he 18 refers to there as the Duke of Dyslexia. That's 19 Mr. Beckert? 20 A Presumably. 21 Q Is that something that you -- the manner 22 in which you refer to Mr. Beckert? 23 A No, sir. 24 Q And here he's indicating to you that this 25 is a press release that he wrote for Mr. Beckert.</p>	<p>1 Why would he -- why is he forwarding that to you? 2 A I don't recall specifically. 3 Q Do you have an understanding of why 4 Mr. Caporale would be drafting a press release for 5 Mr. Beckert? 6 A No, I don't. I know that Rick and Jim 7 had some sort of relationship when Rick was on 8 counsel, but beyond that, I don't know why he would 9 do that. 10 Q Did you have a conversation with 11 Mr. Caporale about the press release that was -- he 12 had drafted? 13 A I don't recall. 14 Q You are familiar with the I guess 15 controversy or discussion surrounding the contents 16 of the press release? 17 A Correct. 18 Q Is that the matter that ended up with the 19 independent auditing firm coming in and looking 20 into the matter? 21 A Can you specify the question? 22 Q Do you recall in some of these financial 23 discussions an issue that arose between Mr. Beckert 24 and Alicia Holland regarding some of the 25 calculations?</p>
Page 11	Page 12
<p>1 A Which calculations are you referring to? 2 Q Well, I'm referring to the ones that are 3 in this memo. 4 A And can you repeat the question, please? 5 Q Do you recall when this controversy 6 arose? 7 A I do. This is in reference to the 8 rollback millage, if I'm not mistaken. 9 Q Do you know what kind of relationship 10 Mr. Caporale and Mr. Beckert had such that he would 11 be writing public press releases? 12 A No, I do not. 13 Q Did you question that at the time? 14 A His relationship? 15 Q Yeah, and why he would be drafting a 16 press release. 17 A I don't recall. 18 Q And you developed a relationship with 19 Mr. Beckert whereby you would help him draft 20 documents, correct? 21 A I don't recall ever helping draft 22 documents. I recall asking for information to be 23 presented a little bit more clearly, but as far as 24 drafting, no. 25 Q Do you recall helping him edit some of</p>	<p>1 his emails? 2 A Edit emails? 3 Q Yes, some of the information that he was 4 sending out. 5 A I don't recall that, no. 6 (Exhibit 28, Email Chain Ending in a 7 6/22/20 Email to Beckert from Hervochon, 8 was marked for identification.) 9 BY MR. CROSBY: 10 Q And here's where Mr. Beckert was to 11 present to the Beaufort County School District, and 12 he sent you a draft of his presentation, asked for 13 your input? 14 A Uh-huh, yes, sir. 15 Q Do you remember that? 16 A Not specifically, no, sir. 17 Q Why would Mr. Beckert be requesting your 18 input into his presentation? 19 A I had told him several times that he 20 needed to present information to public bodies more 21 clearly, and I'm presuming that this was the 22 genesis of one of those conversations. 23 Q Did you ever review the final draft of 24 this presentation? 25 A I don't recall.</p>

3 (Pages 9 to 12)

JOHN HERVOCHON - 9/27/2021

Page 17	Page 18
<p>1 Q Did you make any of the edits to this</p> <p>2 document on Mr. Beckert's behalf?</p> <p>3 A Not that I can recall.</p> <p>4 Q I'm just curious to why he'd be sending</p> <p>5 it to you before it went out.</p> <p>6 A Is that a question?</p> <p>7 Q Yes. I mean, I'm curious. Do you know</p> <p>8 why -- have any idea why he'd be sending it to you?</p> <p>9 A We had talked about the particular issue</p> <p>10 a number of times.</p> <p>11 Q But you were going to get a copy of it</p> <p>12 before -- because you were copied on Exhibit 31,</p> <p>13 correct?</p> <p>14 A Presumably.</p> <p>15 Q Yes. And I'm trying to gain an</p> <p>16 understanding as to why Mr. Beckert, an hour before</p> <p>17 this document was sent out to full council, would</p> <p>18 run it by you.</p> <p>19 A I can't speak for Mr. Beckert.</p> <p>20 Q Well, did you do anything with it when he</p> <p>21 sent it to you?</p> <p>22 A I don't recall. It's entirely possible</p> <p>23 that I didn't even see it until I got the second</p> <p>24 iteration of it.</p> <p>25 Q Well, somebody made some changes. The</p>	<p>1 paragraphs were changed. The formatting was</p> <p>2 changed somewhat there. Did you help him do that?</p> <p>3 A I don't recall. If I did, the exhibit</p> <p>4 would be in your possession because I provided</p> <p>5 everything that I sent to him.</p> <p>6 Q Well, do you know if Exhibit 31 is a</p> <p>7 version that you -- a version that you edited?</p> <p>8 A I don't know that I did edit it.</p> <p>9 Q Did you have some understanding with</p> <p>10 Mr. Beckert with regard to these issues that --</p> <p>11 where you needed to approve what he was sending out</p> <p>12 before he sent it out?</p> <p>13 A No, absolutely not.</p> <p>14 Q Do you know whether the numbers that are</p> <p>15 contained in Exhibit 31, as stated by Mr. Beckert,</p> <p>16 were indeed accurate?</p> <p>17 A I don't recall at the time.</p> <p>18 Q Do you recall today whether you and</p> <p>19 Mr. Beckert have any kind of relationship such that</p> <p>20 he runs certain issues by you?</p> <p>21 A Currently?</p> <p>22 Q Yes.</p> <p>23 A I haven't talked to Mr. Beckert in</p> <p>24 probably a year and a half.</p> <p>25 Q Have you ever had any relationship or</p>
Page 19	Page 20
<p>1 agreement with Mr. Beckert whereby you were -- he</p> <p>2 was running certain issues by you before he went</p> <p>3 public with him?</p> <p>4 A Agreement, no.</p> <p>5 Q Understanding?</p> <p>6 A Understanding, I would say no. I don't</p> <p>7 think that appropriately characterizes the</p> <p>8 relationship that we had.</p> <p>9 Q What was the relationship whereby he</p> <p>10 would send you emails in advance?</p> <p>11 A He would raise issues to me and ask me</p> <p>12 what my opinion was in my role as vice chairman at</p> <p>13 the time of the finance committee and given my</p> <p>14 background in finance.</p> <p>15 Q Would you do anything to verify his</p> <p>16 numbers, since he was sending it -- running it by</p> <p>17 you?</p> <p>18 A Occasionally, but most of the numbers</p> <p>19 that he was pulling I did not have access to on a</p> <p>20 daily basis.</p> <p>21 (Exhibit 32, Text Messages, were</p> <p>22 marked for identification.)</p> <p>23 MR. BUYCK: Ronnie, I notice that the</p> <p>24 text messages that you've got here do not bear</p> <p>25 a Bates stamp or anything. Do you know where</p>	<p>1 these came from?</p> <p>2 MR. CROSBY: Well, that's stuff y'all</p> <p>3 produced. I don't know.</p> <p>4 MR. BUYCK: Okay. This came from --</p> <p>5 MR. CROSBY: I wouldn't have had access</p> <p>6 to it anywhere else. Chelci will be here</p> <p>7 tomorrow. She probably can do better with</p> <p>8 that than I can.</p> <p>9 BY MR. CROSBY:</p> <p>10 Q And this is -- Exhibit Number 32 is an</p> <p>11 exchange between you and Mr. Beckert?</p> <p>12 A Uh-huh, yes, sir.</p> <p>13 Q And he's commenting, it sounds like, on</p> <p>14 some of his election -- or some -- I don't know if</p> <p>15 it's election or not, on some -- well, tell me,</p> <p>16 what was this conversation about?</p> <p>17 A This was about the campaign at the time</p> <p>18 because we both got elected the same cycle.</p> <p>19 Q So you would -- this would answer a</p> <p>20 question earlier. You would have known</p> <p>21 Mr. Beckert, then, before you got elected?</p> <p>22 A It was right -- it was right in that time</p> <p>23 frame, correct.</p> <p>24 Q Did y'all help each other with your</p> <p>25 campaigns?</p>

5 (Pages 17 to 20)



Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Gary T. Kubic
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1 concerned, was exemplary. Her level of experience
2 and knowledge, quite frankly, were far superior
3 than Mr. Beckert or a lot of others who were
4 involved.
5 Her level of responsibility was -- was
6 great in terms of what was necessary to provide
7 information -- financial information to council.
8 And so I took offense to the fact that
9 he would -- as well as he did this to me -- go
10 behind our backs and directly, either through
11 e-mail or conversations, discuss his viewpoints
12 regarding my performance and Alicia's performance
13 with my bosses who were county council members.
14 And on a few occasions, the chairman of
15 county council would call me and say, hey, have you
16 read these e-mails that Mr. Beckert is writing
17 about you?
18 I had no knowledge that he was writing
19 e-mails and not copying me to council members,
20 which I found quite odd because if a council
21 member's going to get a complaint about Gary Kubic,
22 and they get it in writing or verbally from
23 someone, what's a councilman going to do, he's
24 going to pick up the phone or come into my office
25 and say, hey, what's going on? And that was --

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1 that -- that upset me quite a bit.
2 BY MR. CROSBY:
3 Q. The proper chain of command would have
4 been to -- if he was complaining about Alicia
5 Holland, would have been to --
6 A. Complain to me.
7 Q. To you?
8 A. Correct.
9 Q. And instead when these complaints would
10 go to council about you or any of your staff, it
11 was -- would come off to you as an effort to
12 embarrass you or -- or sort of sabotage you
13 without -- without you having any knowledge of it?
14 MR. J. ANDERSON: Object to the form.
15 THE WITNESS: Proper form, whether
16 public or private, about a disagreement would
17 typically require that the persons involved in
18 difference of opinions, that they would talk about
19 it. Mr. Beckert liked to surprise council in
20 public meetings or surprise my employees about a
21 complaint.
22 I don't know why he would do that. I
23 mean, he could complain to me. I guess it was
24 because he may have felt I never would resolve it
25 to the level of what he thought was appropriate.

Page 28

1 I'm not sure.
2 My orders to my staff were that if you
3 mention anybody in an e-mail about anything,
4 positive or negative, that you cc a courtesy copy
5 to the person who you mention in the e-mail, just
6 for proper form, and so that no one would accuse
7 anyone in my staff of going behind their back and
8 trying to create or disrupt a relationship between
9 me or my staff or me and council or me and another
10 elected official.
11 BY MR. CROSBY:
12 Q. Just to be clear, throughout your time
13 at -- as county administrator during Mr. Beckert's
14 tenure, that -- sending e-mails to council making
15 accusations about you or your staff was something
16 that occurred regularly, correct?
17 MR. J. ANDERSON: Object to the form.
18 THE WITNESS: I -- I'll say -- I'll say
19 yes with a caveat. I don't know what -- what --
20 how the frequency of what you consider regularly.
21 But as a matter of form, I think that was his -- a
22 standard method of operation for Mr. Beckert, and I
23 don't know how frequently he used it because -- you
24 know, if he sent it to council without my knowing,
25 I have no idea how many times it occurred.

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1 BY MR. CROSBY:
2 Q. And he accused you of violating laws
3 and policies on a number of occasions?
4 A. Yes.
5 MR. J. ANDERSON: Object to the form.
6 BY MR. CROSBY:
7 Q. And the accusations that he made
8 against you were -- were false?
9 MR. J. ANDERSON: Object to the form.
10 THE WITNESS: Yes.
11 BY MR. CROSBY:
12 Q. Did -- would you describe Mr. Beckert's
13 conduct as being totalitarian in nature the way he
14 carried himself?
15 MR. J. ANDERSON: Objection.
16 THE WITNESS: After a period of time,
17 my nonprofessional opinion about how a person
18 behaves or what they're thinking about it reminded
19 me that Mr. Beckert was -- or had some type of
20 inferiority complex, and to offset that paranoia,
21 he would become zealous in the way he would treat
22 or discuss other individuals who did not share his
23 viewpoint.
24 And at times -- at times he would
25 extend that anger to private companies, to the

8 (Pages 26 - 29)

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Holland, Aliciav. Beaufort County et al

<p style="text-align: right;">Page 54</p> <p>1 his obsession with control and authority has to 2 obviously affect office morale and performance in 3 many departments, and says: I know you're very 4 concerned. 5 Was she correct that you were concerned 6 about Mr. Beckert's affect on the morale and 7 performance of the various county departments that 8 were under your control? 9 A. Yes. 10 Q. And that goes back to what you talked 11 about earlier? 12 A. It goes back to Monica Spells, several 13 of my staff members, Dave Thomas in purchasing, 14 Alicia, Maria Walls. You know, it -- it -- it's 15 without question that Mr. Beckert was a disruptive 16 force generally. 17 Q. The -- did Maria Walls relay to you 18 other concerns she had with Mr. Beckert's behavior 19 toward her other than the staring through her 20 window? 21 A. Yes. Maria on several occasions told 22 me that she was afraid. She also shared with me a 23 notebook of various things that Mr. Beckert was 24 doing in terms of affecting her department, tape 25 recording her. And she gave me a copy of that</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did -- after you carried the concerns 2 Ms. Walls raised to council, were there ever any 3 solutions proposed by council on how to alleviate 4 these concerns that she had raised to you? 5 A. It was my impression that council felt 6 that having them both present at their committee 7 meetings or allowing each of them separately or 8 collectively to address council from the podium 9 about their concerns on a matter in dispute, which 10 they permitted. 11 I do believe that I advised 12 Mr. Sommerville and Mr. Stewart of my concerns 13 regarding the inability of both parties to resolve 14 their differences so that there could be a 15 collective positive outcome in the responsibilities 16 of each at the department, because what's unique 17 about these two departments is they're independent, 18 but their product is -- is a combination of -- 19 of -- of both efforts. 20 And then the third component is the IT, 21 which is the software processing to actually create 22 the tax rolls which then go towards the final 23 product in printing the bills. 24 So, yeah, they were aware, and I think 25 the heightened awareness of it was the tax bills.</p>
<p style="text-align: right;">Page 55</p> <p>1 notebook I think with the hope that I would be able 2 to somehow correct the situation. The problem for 3 me was I was the county administrator, and I have 4 11 bosses, and besides going to the department of 5 revenue and county council, there is not much else 6 I could possibly do. I couldn't dismiss him or get 7 him out of office. He was an elected official. 8 Q. Did you go to council with the -- those 9 concerns that -- about Ms. Walls's that she had 10 expressed to you? 11 A. Yes. The procedure that I employ with 12 council, because there are 11, is that I first 13 advise, which I did, my concerns to county chairman 14 and the vice chair, and I think it was at the time 15 Paul Sommerville and Jerry Stewart. As a matter of 16 fact, the protocol -- written protocol on how to 17 get a tax bill was an example of that concern. I 18 think I addressed in several of the meetings, 19 particularly I think finance, that we were having 20 difficulties with the auditor in general. 21 And I think there were times where the 22 auditor and treasurer in those meetings were 23 present, and they both spoke to it, and it was 24 clear from their comments that -- that it was very 25 difficult for them to cooperate with each other.</p>	<p style="text-align: right;">Page 57</p> <p>1 I mean, there were disputes on language, there were 2 disputes on timeliness. And I wasn't the only one 3 that called the department of revenue. Mr. Beckert 4 called them countless times trying to get them to 5 see his way. 6 Q. And what you learned from your 7 conversations with the department of revenue was 8 that Mr. Beckert's interpretation of the laws was 9 inaccurate? 10 A. Yes. And I think a few times with the 11 extensions -- you know, they were -- they were 12 granting us extensions to push the date to produce 13 the bills back a month or so. But they were keenly 14 aware of Mr. Beckert. 15 Q. And when you were talking -- mentioned 16 earlier about Ms. Walls's concerns for her safety, 17 you were talking about her physical safety? 18 A. Yes. 19 MR. J. ANDERSON: Object to the form. 20 BY MR. CROSBY: 21 Q. And she expressed that to you? 22 A. Yes. More than one occasion. 23 Q. Was council aware that you had locked 24 Mr. Beckert out of your end of the building? 25 A. I'm not sure. I'm certain that</p>

15 (Pages 54 - 57)

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Gary T. Kubic
Holland, Aliciav. Beaufort County et al

April 7, 2021

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1 recorded that way. In today's modern world with
2 technology, it's so easy to have the controls in
3 place to do it with one system instead of two.
4 Several councilmen felt that that would
5 not be approved by -- the merger would be approved
6 by the electorate, which was necessary, but it was
7 discussed in -- in depth at the time. And it arose
8 in several occasions with those two units of
9 government.
10 Q. During your tenure, there was no action
11 taken on -- on that?
12 A. I don't think we ever proposed it to be
13 a consideration. I think -- I'll have to go
14 back -- I don't believe -- was there a vote? I'm
15 not sure. You can't help me, can you?
16 Q. He can't.
17 MR. KEAVENY: I can't.
18 THE WITNESS: I can't remember. Maybe
19 there -- was rejected by council. I can't -- I
20 can't recall. I think there was also some concern
21 by council at the time that we had referendums on
22 sales tax and other issues that they felt had --
23 more pressing issues for the sales tax to go
24 forward than changing the form of government. I
25 think they felt it was too difficult, didn't want

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1 to give me too much control.
2 BY MR. CROSBY:
3 Q. But it was your thought during that
4 time that the -- those offices would be merged and
5 would -- there would become a county employee or
6 would just those two offices merge and be --
7 A. I think the --
8 MR. BUYCK: Note my objection.
9 BY MR. CROSBY:
10 Q. -- one -- one elected office.
11 MR. J. ANDERSON: Same objection.
12 THE WITNESS: I think -- I think it
13 would go under the control of the county
14 administrator as a unit of government. And quite
15 frankly today, I still agree that for efficiency
16 purposes and accountability and ease of operation,
17 that's the way to go.
18 BY MR. CROSBY:
19 Q. Were there any particular members of
20 county council during your tenure that would --
21 that were close to Jim Beckert, just based on your
22 observations?
23 A. Well, everyone knew that Jim Beckert
24 was the finance chairman for Brian Flewelling, and
25 even in certain sessions or committee meetings,

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1 Councilman Flewelling -- and I believe he had
2 mentioned that. And I think Councilman Howard
3 mentioned that she was a neighbor, lived close to
4 Mr. Beckert. Those two come to mind readily.
5 I'm not sure about anybody else. I'm
6 running -- I'm trying to run through who the other
7 councilmen were.
8 I think Sommerville was relatively
9 independent. Stewart was independent. It was just
10 basically, I think, Councilman Flewelling, maybe
11 Councilman Covert toward the end of my
12 administration.
13 Q. Would Councilman Flewelling in your
14 observations take Jim's side in some of these
15 disputes?
16 MR. BUYCK: Note my objection.
17 MR. J. ANDERSON: Object to the form.
18 THE WITNESS: You know, Councilman
19 Flewelling in my opinion is a very good elected
20 official in the sense that he chooses his words
21 very carefully. So I don't think he ever overtly
22 said you got to take Jim Beckert's side. I think
23 he would be more -- expressed -- I think he
24 expressed, hey, let's take another second look at
25 his concerns and see if there would be an ability

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1 to incorporate either a portion or all of his
2 objections into a process or procedure.
3 MR. CROSBY: Why don't we take just a
4 few minutes break. I'm about -- probably about
5 done. I need to take care of piece of personal --
6 or other legal business real quick.
7 THE WITNESS: Okay. I got to get my
8 dog out of the cage.
9 THE VIDEOGRAPHER: We are going off
10 record. This is the end of media unit one. The
11 time is 3:24 p.m.
12 (A recess transpired.)
13 THE VIDEOGRAPHER: We are back on
14 record. This is the beginning of media unit two.
15 The time is 3:43 p.m.
16 (PLF. EXHIBIT 8, E-mail Chain with the
17 Top Line E-mail From Joshua Gruber Dated 5/21/14,
18 was marked for identification.)
19 BY MR. CROSBY:
20 Q. Mr. Kubic, you get the opportunity to
21 look over --
22 A. Yes.
23 Q. -- Exhibit 8?
24 Do you have an independent recollection
25 of -- of that, the contents of Exhibit 8?

22 (Pages 82 - 85)

Ex. 3

**Beaufort County Adopts Testimony:
Topic 16: All Litigation Involving the County and
Beckert**

ALICIA HOLLAND vs BEAUFORT COUNTY
9:20-cv-03479-DCN-MHC - ERIC GREENWAY

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 BEAUFORT DIVISION
4

5 ALICIA HOLLAND,
6 Plaintiff,
7

8
9 vs. CASE NUMBER
10 9:20-cv-03479-DCN-MHC
11

12
13 BEAUFORT COUNTY and JAMES BECKERT,
14 Individually, and in his Official Capacity,
15 Defendants.
16

17 -----/
18 The videotaped deposition of ERIC
19 GREENWAY, a witness in the above-entitled cause,
20 taken pursuant to Notice and agreement, before
21 Ceil Weser, Certified Court Reporter and Notary
22 Public, before Robert Claxton, videographer, at
23 the Offices of Beaufort County Administration
24 Building, 100 Ribaut Road, Suite 170, Beaufort,
25 South Carolina, on the 12th day of April, 2022,
commencing at or about the hour of 8:14 a.m.



ALICIA HOLLAND vs BEAUFORT COUNTY
9:20-cv-03479-DCN-MHC - ERIC GREENWAY

30-33

<p style="text-align: right;">Page 30</p> <p>1 Q But you didn't see the headlines 2 yourself, is that what you are saying? 3 A I don't see the headlines. 4 Q So prior to you coming in -- 5 A So let me make sure you understand 6 something. I don't read the newspaper. I don't 7 watch the news. I listen to the news on the 8 radio in my car. 9 I get a summary every day from the 10 Public Information Officer here highlighting the 11 news of notes for the area. I look at that 12 summary. 13 I very seldom sit down and read an 14 entire article in a newspaper because that 15 information if in my role that information 16 generally is unproductive to me being effective 17 as a County Administrator; because it is all 18 about selling articles and getting clicks on the 19 internet, so if that makes sense to you. 20 Q It does make sense. 21 Now, did you get that summary as 22 Planning Director? 23 A I did not get that summary as Planning 24 Director because it was not done prior to me 25 hiring the current Public Information Officer,</p>	<p style="text-align: right;">Page 31</p> <p>1 Mr. Chris Ophardt. 2 Q So you created that? 3 A (Nods). 4 Q Did you create that role or did you 5 just hire someone to fill that role? 6 A I hired someone to fill that role. So 7 Ashley Jacobs had a Public Information Officer, 8 but I didn't get a summary or news from her. It 9 was a different situation then. 10 Q So what led you to you getting that 11 summary, was that part of their job description 12 or was that something you requested? 13 A No, Ophardt did that on his own and 14 sent that out to me and various other people. 15 It is a very good thing that he does. It is 16 about hiring talented people to help you 17 administer the duties of the County. And he is 18 a talented individual who does that summary. 19 I didn't give him any direction or 20 didn't request any summary or anything. 21 Q So whenever you took on the role as 22 County Administrator, whether that was acting, 23 interim, permanent, were you ever briefed on 24 these lawsuits and/or Beaufort County lawsuits 25 against Mr. Beckert?</p>
<p style="text-align: right;">Page 32</p> <p>1 A I was not briefed on any of the 2 lawsuits to my knowledge until Mr. Buyck and I 3 had -- 4 Q I want to stop you because I am sure he 5 is about to start talking. To the extent that 6 you are about to tell me conversations that you 7 had with him -- 8 A I won't tell you any conversations. I 9 know better than that. 10 Q Just making sure. 11 A That was the first time I was briefed 12 on a lawsuit is when he and I had the discussion 13 about this deposition coming up, because I was 14 really confused as to why you all wanted to 15 depose me. 16 Q Okay. 17 So what was your knowledge about the 18 lawsuits prior to your conversation with Mr. 19 Buyck? 20 A That they were in process. And that 21 people were being deposed as a part of them. 22 Q What about the subject matter of the 23 lawsuits? Did you just think that they were 24 arguing over tax money or did you think that it 25 was about harassment? What was your knowledge</p>	<p style="text-align: right;">Page 33</p> <p>1 of the lawsuits prior to your conversation with 2 Mr. Buyck? 3 MR. JOHN ANDERSON: Objection. 4 THE WITNESS: I knew what the 5 nature of the lawsuits were about. 6 BY MS. AVANT: 7 Q How did you know that? 8 A Because again I heard people talking 9 about them. 10 May have glanced at a headline in the 11 paper about them. 12 Q And what about the County's lawsuits 13 against Mr. Beckert, what is your knowledge of 14 those? 15 A I am a little more familiar with those 16 because I am deeply involved in those. 17 Q You want to explain to me what they are 18 about. 19 A Well, we are -- we have a lawsuit right 20 now about him performing -- compelling him to 21 perform the duties of his office as an Auditor. 22 And that involves several things that we feel 23 that he has not done properly as Auditor and has 24 failed to do as Auditor. 25 Do you --</p>



In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

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1 authorized the county government, whether it was
 2 council or the administration or both, to ban him
 3 from the administration building, and we told him
 4 no, we weren't going to do that.
 5 You know, he has a lawyer named Jim Brown
 6 who represents him in a lawsuit that the county had
 7 to file against him to make him do certain things,
 8 and, you know, Mr. Brown may have raised it. I
 9 mean, I kind of have this real fuzzy idea in the
 10 back of my head that he might have, and I kind of
 11 think that we had to go through that with our
 12 lawyers. We have some lawyers in Charleston, Dawes
 13 Cooke and John Fletcher, who represent us, and I
 14 think they had some conversation about it.
 15 Q How many lawsuits has the county filed
 16 against Mr. Beckert?
 17 A Two now.
 18 Q And remind me what the substance of those
 19 were. What was being sought in those lawsuits by
 20 the county?
 21 A In both cases, the county is trying to
 22 ask a court -- the county is asking a court to
 23 require Mr. Beckert to do certain things that the
 24 county believes state statutes require him to do
 25 that he is not doing or does not do or does do that

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1 supposed to do?
 2 MR. ANDERSON: Objection.
 3 THE WITNESS: Well, with regard to the
 4 first lawsuit -- there actually -- the first
 5 lawsuit involved two issues that we asked the
 6 court to require him to do. One was to enter
 7 onto the tax bills a law enforcement user fee
 8 for real property that is located in the Town
 9 of Hilton Head, and that is to recoup the
 10 costs of the services that the sheriff
 11 provides to the town by contract.
 12 Mr. Beckert -- we had emails back and
 13 forth from Mr. Beckert indicating that he
 14 didn't think the ordinance that was adopted
 15 was correct and was legal and gave us the
 16 impression he wasn't going to do it, even
 17 though the law is that every ordinance is
 18 presumed to be legal and valid.
 19 So we were concerned that the tax bills
 20 that he was -- the duplicate he was preparing
 21 would not contain those fees, and we wanted to
 22 make sure that they did, so we filed a lawsuit
 23 for that. And then he was -- we know that he
 24 wanted to use a different debt service millage
 25 than the county council approved, so we asked

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1 he shouldn't do.
 2 Q Were those by way of writs of mandamus?
 3 A That's what -- yeah. One of the
 4 causes -- the first lawsuit against Mr. Beckert
 5 we've asked for a writ of mandamus. That's a writ
 6 from the court requiring him to do something and/or
 7 to enjoin him from doing something, and maybe
 8 there's maybe a declaratory judgment action in
 9 that -- in that lawsuit as well.
 10 Q And what was -- the second one was
 11 similar?
 12 A The second one is similar. So the first
 13 one was asking the court to require him to use a
 14 certain debt service millage that was different
 15 than the one he wanted to use. That was the
 16 purpose of the first lawsuit.
 17 The second lawsuit is really a lawsuit to
 18 ask the court to require him to do several things
 19 that he does not do that we believe he should do or
 20 to ask the court to enjoin him from doing things
 21 that he does that we don't think he should do.
 22 Q And have those lawsuits been resolved?
 23 A They have not.
 24 Q Did they -- did the filing of those
 25 lawsuits result in Mr. Beckert doing what he was

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1 the court to require him to do both.
 2 He actually put the -- he didn't -- in
 3 the end, he didn't challenge the law
 4 enforcement user fee, but he did challenge the
 5 debt service millage, so we got a court order
 6 from Judge Carmen Mullen requiring him to use
 7 the debt service millage that the county
 8 council approved on the bills that went out --
 9 well, the tax bills for tax year FY '20 that
 10 were prepared in the fall of '20, should have
 11 gone out in November of '20, but they didn't
 12 get out until maybe February/March of this
 13 year, that -- the last year's tax bill.
 14 BY MR. CROSBY:
 15 Q Right, yeah. I remember getting one in
 16 March.
 17 A I'm sure you did.
 18 Q Yeah.
 19 A You have until March to pay, I think,
 20 right?
 21 Q Right.
 22 And so what was the -- is that both
 23 lawsuits, or what was the other lawsuit?
 24 A No. That's just the first lawsuit. The
 25 second lawsuit, I don't have it in front of me, but

15 (Pages 57 to 60)

Thomas J. Keaveny, II - 9/27/2021

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1 I can try to -- try to remember some of it. But
 2 there were several things on the second lawsuit to
 3 make him -- to ask the court to require him to do.
 4 One is to maintain an abatement book of taxes that
 5 are abated, and that's necessary so that bond
 6 rating agencies and others know what property --
 7 what property that could generate tax revenue is
 8 not generating tax revenue due to agreements
 9 pursuant to state statute. So that's the abatement
 10 book.
 11 There was an issue with him getting
 12 involved in determination or adjudications about
 13 the applicability of 4 percent versus 6 percent
 14 assessment ratios on property, which falls within
 15 the purview solely of Ebony Sanders and the Board
 16 of Adjustments and Appeals, so to have him stay out
 17 of that, because he intervened in one case and
 18 adjudicated himself when he shouldn't have done it.
 19 And there are a couple of other things
 20 that we've asked the court to require him to do. I
 21 just can't remember off the top of my head.
 22 Q And that one hasn't resulted in an order
 23 yet?
 24 A It has not. There have been no orders
 25 issued in that case. I think his lawyer just filed

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1 an answer this month, earlier this month.
 2 Q Was there ever any consideration of
 3 filing a similar-type lawsuit against Mr. Beckert
 4 with regard to his behavior toward county employees
 5 or Ms. Walls?
 6 MR. ANDERSON: Objection.
 7 THE WITNESS: I don't remember having any
 8 conversations about -- with county council or
 9 with the administrator about county government
 10 taking an action, a lawsuit against
 11 Mr. Beckert, no.
 12 BY MR. CROSBY:
 13 Q Subject to the questions about the
 14 grievances, I'm going to pass you to Mr. Anderson
 15 and see if he has any questions.
 16 MR. ANDERSON: I can't hear you. My
 17 apologies.
 18 MR. CROSBY: Do you have any questions?
 19 I was going to pass the witness.
 20 MR. ANDERSON: Yeah, I do, but can I get
 21 five minutes? Unless --
 22 MR. CROSBY: No. Go ahead.
 23 MR. ANDERSON: Mind if I have five
 24 minutes?
 25 MR. CROSBY: Sure.

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1 MR. ANDERSON: Thank you.
 2 THE VIDEOGRAPHER: Off the record at
 3 11:49.
 4 (A recess transpired.)
 5 THE VIDEOGRAPHER: On the record at
 6 11:53.
 7 EXAMINATION
 8 BY MR. ANDERSON:
 9 Q Good morning, Mr. Keaveny.
 10 A Good morning.
 11 Q We've met before. My name is Jon
 12 Anderson, and I represent Jim Beckert both as the
 13 auditor and himself personally.
 14 I have a few questions. I'm going to
 15 want to get to -- some of them are follow-up to the
 16 questions you just received. I'd like to direct
 17 you to 24, to Exhibit 24, and that is the email --
 18 it says at the top: Holland, Alicia, but it
 19 starts -- it's a three-page, Holland 299 to 301.
 20 A Yeah.
 21 Q Okay. I'm not sure the one you have has
 22 a Bates stamp on it.
 23 And who do you think that -- Amelia Furr
 24 Ruple, she sends an email and says: As you are
 25 aware, we have been instructed that questions

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1 relating to the duties between the auditor and the
 2 treasurer be resolved by the Beaufort County
 3 attorney.
 4 Now, that's a lot of passive writing in
 5 there. I'm wondering who instructed the DOR?
 6 A Yeah. So I can't answer that question,
 7 but I can tell you that when I received it -- I
 8 have worked with Amelia a lot with regard to
 9 Mr. Beckert and the issues between the treasurer
 10 and the auditor since July of 2015, a lot, and I
 11 kind of read that as Mr. Cleland having
 12 instructed their -- Mr. Cleland, who's a deputy
 13 director, having instructed Amelia and Sandy's
 14 office to refer things to us.
 15 Because, see, Amelia and Sandy, they work
 16 in a -- I can't remember what their division is,
 17 but they're kind of like a training arm of DOR, and
 18 they provide training and they provide assistance
 19 to the treasurer and the auditor with regard to the
 20 tax process.
 21 Q Let me ask you this: I know right now
 22 you're deputy, but you've been the county attorney
 23 for Beaufort. Who is your client?
 24 A You know, that's a -- who is the -- so
 25 that's an issue for CLEs, you know, who is your

16 (Pages 61 to 64)

Ex. 3

Beaufort County Adopts Testimony:

**Topic 17: Control Over County Real and Personal
Property and the Identity of the Person Charged with the
Responsibility of Ensuring Said Property is Used in
Accordance with Applicable Policies and Procedures**



Deposition of:
Robert Bechtold

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Robert Bechtold
Holland, Aliciav. Beaufort County et al

April 8, 2021

Page 10	<p>1 that falls under my charge also had a complaint.</p> <p>2 Q. And who was that?</p> <p>3 A. That was our -- I'm sorry, I don't know</p> <p>4 why I'm drawing a blank right now. If I could just</p> <p>5 have a second. That was our assessor.</p> <p>6 Q. Ebony Sanders?</p> <p>7 A. Ebony Sanders.</p> <p>8 Q. What did you learn about Ebony Sanders'</p> <p>9 issues with Jim Beckert?</p> <p>10 A. That she filed -- again, I'm really not</p> <p>11 certain, other than that she filed a complaint</p> <p>12 against it -- against him. I don't know how it was</p> <p>13 done or other than -- I believe -- I'm really not</p> <p>14 certain. I read it in something and before, and</p> <p>15 this would have been after, you know, I was</p> <p>16 directed to help move the office and everything. I</p> <p>17 don't remember if it was the paper or if it was --</p> <p>18 but I didn't know prior to that.</p> <p>19 Q. Did you have any involvement in</p> <p>20 investigating the complaint filed by Ebony Sanders?</p> <p>21 A. No.</p> <p>22 Q. Did you ever attend any meetings or</p> <p>23 accompany Ashley Jacobs to any meetings between her</p> <p>24 and Jim Beckert?</p> <p>25 A. No. I don't -- no, I don't believe I</p>	Page 12	<p>1 Q. Do you recall what month it was in?</p> <p>2 A. I believe it was in the Fall. I mean,</p> <p>3 really, I believe it was sometime in the Fall.</p> <p>4 Q. When you met with Ash- -- I mean, with</p> <p>5 Jim Beckert about moving his office, tell me about</p> <p>6 any conversations you had with him, other than him</p> <p>7 asking you to do it outside of operational hours.</p> <p>8 A. I mean, it -- it was insignificant, so</p> <p>9 I mean, nothing specific. That was the only</p> <p>10 request that he made that -- that stuck out to me</p> <p>11 because I had gone over there to coordinate that</p> <p>12 with him and so...</p> <p>13 Q. And did he ask you why he was being</p> <p>14 asked to move?</p> <p>15 A. I have -- I mean, I have no idea. This</p> <p>16 is a, again, 46 departments in my daily activities,</p> <p>17 I don't know that it's possible for me to retain</p> <p>18 that, so I don't specifically know.</p> <p>19 Q. Did he seem to object to having to move</p> <p>20 offices?</p> <p>21 A. He did. In fact, I mean, ultimately,</p> <p>22 he did. So, I don't remember. I mean, again, I</p> <p>23 don't know really the context of the conversation.</p> <p>24 I was there to execute something, you know, a</p> <p>25 directive and so I went, communicated what I needed</p>
Page 11	<p>1 have ever been in the same room. I don't -- I</p> <p>2 don't think so, no.</p> <p>3 Q. At some point in time you were involved</p> <p>4 in moving the -- the auditor -- the auditor's</p> <p>5 office?</p> <p>6 A. I was.</p> <p>7 Q. Tell me about that.</p> <p>8 A. I -- Ashley, I believe it was verbally</p> <p>9 or otherwise, she asked me to find a place for him</p> <p>10 outside of the main administrative building and I</p> <p>11 don't know if it was my decision or hers</p> <p>12 ultimately, but I found a place down there at</p> <p>13 records management. And I went over to see</p> <p>14 Mr. Beckert and let him know that we found an</p> <p>15 alternate location for him. And he -- he had</p> <p>16 requested that if it were done, if he could have it</p> <p>17 done outside of normal operational hours. And I</p> <p>18 said sure. And then I had a crew come over and</p> <p>19 help move all of the stuff down to the records</p> <p>20 management building to the ultimate location.</p> <p>21 Q. When was that?</p> <p>22 A. I don't know the date.</p> <p>23 Q. It was sometime before Ashley Jacobs</p> <p>24 left the County's employment, obviously?</p> <p>25 A. Yes.</p>	Page 13	<p>1 to communicate to him, let him know where it was</p> <p>2 going to be. He requested that I do it after</p> <p>3 hours, so I facilitated that.</p> <p>4 Q. And that's -- that's all I'm asking.</p> <p>5 You only know what you know.</p> <p>6 A. Right.</p> <p>7 Q. And I don't know it until you answer</p> <p>8 the question.</p> <p>9 A. Uh-huh.</p> <p>10 Q. So don't, you know, feel offended by</p> <p>11 me.</p> <p>12 A. Oh, I'm not at all. I'm trying to</p> <p>13 recollect things that I can't and that's</p> <p>14 frustrating.</p> <p>15 Q. Some people have good memories and some</p> <p>16 people don't.</p> <p>17 You -- what you're telling me is that</p> <p>18 when you went to move him, Mr. Beckert did not put</p> <p>19 up any type of opposition, his only request was to</p> <p>20 do it after hours?</p> <p>21 A. Yeah, I mean, that was his request.</p> <p>22 Q. And he complied with the move?</p> <p>23 A. He did.</p> <p>24 Q. Now, sometime later I believe you</p> <p>25 were -- became a point of contact for Mr. Beckert?</p>

4 (Pages 10 - 13)

ALICIA HOLLAND vs BEAUFORT COUNTY
9:20-cv-03479-DCN-MHC - ERIC GREENWAY

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 BEAUFORT DIVISION
4

5 ALICIA HOLLAND,
6 Plaintiff,
7

8
9 vs.

CASE NUMBER
10 9:20-cv-03479-DCN-MHC
11

12
13 BEAUFORT COUNTY and JAMES BECKERT,
14 Individually, and in his Official Capacity,
15 Defendants.
16

-----/
17 The videotaped deposition of ERIC
18 GREENWAY, a witness in the above-entitled cause,
19 taken pursuant to Notice and agreement, before
20 Ceil Weser, Certified Court Reporter and Notary
21 Public, before Robert Claxton, videographer, at
22 the Offices of Beaufort County Administration
23 Building, 100 Ribaut Road, Suite 170, Beaufort,
24 South Carolina, on the 12th day of April, 2022,
25 commencing at or about the hour of 8:14 a.m.



ALICIA HOLLAND vs BEAUFORT COUNTY
9:20-cv-03479-DCN-MHC - ERIC GREENWAY

10-13

<p style="text-align: right;">Page 10</p> <p>1 A I have a daughter.</p> <p>2 Q And how old is your daughter?</p> <p>3 A She will be 21 at the end of June.</p> <p>4 Q Does she live in Beaufort County?</p> <p>5 A No, she does not.</p> <p>6 Q What county does she live in?</p> <p>7 A She lives with my ex-wife.</p> <p>8 Q So walk me through this because I am</p> <p>9 fairly ignorant when it comes to this process,</p> <p>10 how did you get put in the running for County</p> <p>11 Administrator? Did you apply for it? Were you</p> <p>12 approached about it? How did that work out?</p> <p>13 A I was approached to be acting County</p> <p>14 Administrator by the County Council, shortly</p> <p>15 around the time that they were deciding to</p> <p>16 depart ways with the then County Administrator.</p> <p>17 Q Which would have been Ashley Jacobs, is</p> <p>18 that right?</p> <p>19 A Yes.</p> <p>20 Q Who approached you?</p> <p>21 A The Chairman of the County Council.</p> <p>22 Q And tell me a little bit about that</p> <p>23 conversation.</p> <p>24 A The conversation went something along</p> <p>25 the lines of hey, we need somebody to step in</p>	<p style="text-align: right;">Page 11</p> <p>1 the role to be acting County Administrator, and</p> <p>2 while we are looking for an interim County</p> <p>3 Administrator would you fulfill that role for us</p> <p>4 because a few people have suggested that you</p> <p>5 would be able to step into the role and fulfill</p> <p>6 those duties while we are looking for an</p> <p>7 interim.</p> <p>8 Q And was just your performance as acting</p> <p>9 County Administrator what gave you the push to</p> <p>10 be the interim, or did you put in for that? How</p> <p>11 does that work?</p> <p>12 A I did not put in for any of the</p> <p>13 positions.</p> <p>14 When I became acting they started</p> <p>15 looking for an interim. I don't think they were</p> <p>16 successful for an interim. I wasn't a part of</p> <p>17 that process. I was doing my duty as acting</p> <p>18 County Administrator while they were looking for</p> <p>19 an interim.</p> <p>20 They came back to me after several</p> <p>21 weeks and said hey, we have been unsuccessful in</p> <p>22 finding an interim. Would you be willing to</p> <p>23 assume those duties while we are looking for a</p> <p>24 permanent County Administrator?</p> <p>25 Q And then when it comes to --</p>
<p style="text-align: right;">Page 12</p> <p>1 Why don't you do this, tell me about</p> <p>2 your duties as County Administrator?</p> <p>3 A My duties as County Administrator are</p> <p>4 pretty simple overall. That is to administer</p> <p>5 the administration sections of the County for</p> <p>6 as -- as far as budget.</p> <p>7 Taking care of employees' needs through</p> <p>8 HR. Overseeing the various department heads.</p> <p>9 There is about 48 department heads that are</p> <p>10 underneath the purview of the County</p> <p>11 Administrator.</p> <p>12 Q And of those department heads, does any</p> <p>13 of your purview include the Treasurer or</p> <p>14 Auditor's Office?</p> <p>15 A They are not.</p> <p>16 Q So how do you work in conjunction with</p> <p>17 them?</p> <p>18 A The County Administration provides some</p> <p>19 benefit support with regards to HR functions and</p> <p>20 things like that.</p> <p>21 But beyond that I have no authority or</p> <p>22 duty over the Treasurer or the Auditor.</p> <p>23 Q Does the County provide them office</p> <p>24 space?</p> <p>25 A We provide office space in the</p>	<p style="text-align: right;">Page 13</p> <p>1 administration building here and in Myrtle Park</p> <p>2 in Bluffton.</p> <p>3 Q Does the County provide them office</p> <p>4 supplies, such as postage, paper, their</p> <p>5 computers, their Email addresses, is all that</p> <p>6 provided by the county?</p> <p>7 A The County provides them certain</p> <p>8 assets, but we don't provide them paper or</p> <p>9 anything like that. We provide IT, we provide</p> <p>10 IT support.</p> <p>11 Q So where do they get their office</p> <p>12 supplies from?</p> <p>13 A I have no idea.</p> <p>14 Q What about postage, do they use the</p> <p>15 county postage room?</p> <p>16 A I am sure they use our Mall room, yeah.</p> <p>17 Q Do they have a division on the county's</p> <p>18 website?</p> <p>19 A Say that again.</p> <p>20 Q Do they have a -- a division may not</p> <p>21 have been the best word. Let me rephrase this.</p> <p>22 Do they have a portion of the county</p> <p>23 website designated to their office?</p> <p>24 A They have a web page on the County</p> <p>25 website, if that is what you are asking, yes.</p>



Ebony Sanders - 9/28/2021

<p style="text-align: right;">Page 9</p> <p>1 Q All right. And do you recall what it was 2 about? 3 A Not clearly what it was about, but I know 4 it was about a form-- it was about taxation. I 5 can tell you that much from what I can recollect. 6 Q And when -- when you say conflict, can you 7 help me understand what your definition of conflict 8 with him would be? 9 A My definition of conflict with -- on 10 the -- when you're defining the word conflict, it's 11 not only -- it's not consideration of a 12 disagreement. We have disagreements with people. 13 That's not what I'm looking at. Conflict to me 14 would be intimidation, retaliation, bullying. Those 15 are the type of things that conflict in my 16 definition would be for Jim Beckert -- with Jim 17 Beckert. 18 Q Can you give us some examples of times 19 when -- or how Mr. -- Mr. Beckert would intimidate 20 you? 21 A Yes. 22 Q Can you please do that? 23 A There's been occasions when he's come to 24 my office, and he's been -- he's intimidated me on 25 one or two occasions, my staff, and I had to address</p>	<p style="text-align: right;">Page 10</p> <p>1 that matter accordingly. 2 Q So beyond intimidation of you, he would 3 also intimidate your staff? 4 A That is correct. 5 Q What about an example of how he might 6 bully you? 7 A He's bullied me personally in my office 8 face-to-face, as well as in verbal -- as in written 9 communication that we have received. So we've had 10 those instances as well. 11 Q Can you be more specific about what -- 12 what that would look like when he would bully you? 13 A Yes. Accusations of things that are not 14 true. Accusations against my staff that are not 15 true and the department that is not true. 16 Q You're not a political figure, are you? 17 A That is correct. 18 Q So those weren't political differences 19 between -- that Mr. Beckert was trying to hash out? 20 A That is correct. 21 Q What I'm understanding is that he would 22 come in and just falsely accuse you and your staff 23 of not doing your jobs properly? 24 MR. ANDERSON: Object to the form. You 25 can go ahead.</p>
<p style="text-align: right;">Page 11</p> <p>1 A I'm -- one more time can you ask the 2 question? I got distracted when he objected. But 3 one more time can you ask the question? 4 BY MR. CROSBY: 5 Q Well, with some of the -- the behaviors 6 that Mr. Beckert would exhibit toward you and your 7 staff, would he falsely accuse you of not doing your 8 jobs properly? 9 A That is correct. Yes. He has. 10 Q Can you be more specific? Can you give us 11 some specific examples? 12 A He -- you know, he has accused me of -- he 13 has accused me of -- falsely accused me of treating 14 him -- being a racist. He has accused me of not 15 having the ability to do my job. He has come to my 16 office and bullied my staff, one particular 17 gentleman who has autism, and I had to defend him. 18 Q I'm going to give you what's marked as 19 Exhibit 47. 20 (Plaintiff's Deposition Exhibit No. 21 47 was marked for identification.) 22 A Can you give me a minute? 23 BY MR. CROSBY: 24 Q Yes, ma'am. And if there's more you want 25 to say here, I don't want to cut you off on your</p>	<p style="text-align: right;">Page 12</p> <p>1 answer. 2 A I just need a minute. 3 Q Ma'am? 4 A I just need a minute. 5 MR. CROSBY: Okay. 6 MR. BUYCK: And what we're going to do is 7 we're going to pass these around. If you'll 8 hand me that exhibit. You're going to keep the 9 one with the yellow, and we're going to keep a 10 circle going around. I'm going to take one, 11 and I'm going to pass one to Mr. Anderson. 12 MR. CROSBY: Thank you, Tom. 13 MR. ANDERSON: You want to explain 14 objections? 15 MR. CROSBY: I thought I did it. 16 BY MR. CROSBY: 17 Q But, again, there may be a time when they 18 object to a question I ask. And I think it just 19 threw -- 20 A I understood. 21 Q I figured it just threw you off on what 22 the question was. 23 A Yes. It did. I understand. 24 Q And that does -- that happens. 25 A I do -- I apologize. I do apologize.</p>

3 (Pages 9 to 12)

Ebony Sanders - 9/28/2021

Page 21	Page 22
<p>1 -- to change or to stop Mr. Beckert from behaving in 2 that manner prior to filing the grievance? 3 A Not to my knowledge, no. 4 Q If an action was taken, you weren't -- 5 A I would not -- 6 Q -- told about it? 7 A That is correct. 8 Q Was it common knowledge within the county 9 administrative building and within the government 10 that Mr. Beckert was behaving abusively toward 11 yourself and others? 12 MR. ANDERSON: Object to the form. 13 A Yes. 14 BY MR. CROSBY: 15 Q You're okay. 16 A Yes. 17 Q So tell me what happened when you -- when 18 you filed your grievance. 19 A I filed a grievance based on a 20 recommendation from an outside source. It went to 21 human resources. I sent a copy to Amanda Kinkaid. 22 Well, she's human resources. Ashley Jacobs received 23 a copy as well. 24 Q And was -- did the county investigate it? 25 A Yes. I was instructed that the county</p>	<p>1 would investigate the matter. 2 Q And was that done? 3 A Yes. It was. 4 Q And was an outside law firm hired to come 5 in and do an independent investigation? 6 A An attorney was hired to do an 7 investigation. I'm not clear if it was an outside 8 firm or not. 9 Q A lady named Linda Evans? 10 A That is correct. 11 Q And did Ms. Evans interview you? 12 A She did. 13 Q How about any of the -- 14 MR. BUYCK: Let me correct you. It's 15 Edwards -- 16 MR. CROSBY: Edwards. 17 MR. BUYCK: -- and not the actress. 18 MR. CROSBY: Okay. Shows how old you are. 19 BY MR. CROSBY: 20 Q Yeah. Linda Edwards. I apologize. And 21 just tell me about that investigative process. What 22 you -- what happened? Talk to you. Did she talk to 23 any of your staff? 24 A Yes. She did. 25 Q And what was the ultimate outcome of -- of</p>
Page 23	Page 24
<p>1 that, Ms. Sanders? 2 A Ms. Edwards informed me that she didn't 3 find any -- I'm not sure if she said issues. I 4 cannot remember the complete conversation, but the 5 end result was that they didn't find anything. 6 Q Now, you as a county employee have to sign 7 off on a -- the county handbook? Employee handbook? 8 A I did not sign off on the county handbook. 9 Q How did you get around that? 10 A When you -- I cannot remember, but I 11 remember not signing it at the time. 12 Q The -- the conditions that you were 13 subjected to with regard to Mr. Beckert, in your 14 estimation, did -- did that constitute a 15 hostile-type environment when he would come around? 16 MR. BUYCK: Note my objection. You can 17 answer. 18 A One more -- repeat the question. 19 BY MR. CROSBY: 20 Q Was Mr. Beckert's interactions with you 21 and your staff -- did that create a hostile 22 environment to work in? 23 MR. BUYCK: Same objection. You can 24 answer. 25 A Yes.</p>	<p>1 BY MR. CROSBY: 2 Q And you've already described it as 3 bullying and intimidation? 4 A Yes. 5 Q What you're telling me is that the 6 investigation performed by Ms. Edwards did not make 7 that determination? Didn't make a finding against 8 of any sort? 9 A I do not recall completely. I don't 10 recall exactly our conversation with her. 11 Q Were you -- was there a report or anything 12 of -- from her investigation that was provided to 13 you? 14 A I don't remember receiving one. So I 15 can't say for certain. I'm not going to say for 16 certain. It's been a while, but I know I did speak 17 with her. 18 Q But your ultimate conversation, what you 19 gleaned from it, was that she did not make any type 20 of a finding favorable to you or -- or that your 21 allegations were -- had merit? 22 MR. BUYCK: Note my objection. You can 23 answer to the best you can. 24 A She did not say it was not a merit. She 25 did not say that from my conversations with her.</p>

6 (Pages 21 to 24)



Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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D. Paul Sommerville
Holland, Aliciav. Beaufort County et al

April 8, 2021

Page 6	Page 8
<p>1 Q. During your service on County Council,</p> <p>2 did you become aware by some means of complaints</p> <p>3 from employees and perhaps others about what they</p> <p>4 perceived to be harassing or abusive conduct toward</p> <p>5 them by Jim Beckert?</p> <p>6 A. What was the word before "conduct"? I</p> <p>7 heard you say harassing and some kind of conduct.</p> <p>8 Q. Abusive?</p> <p>9 A. Abusive conduct. Yes.</p> <p>10 Q. And tell me how you -- you came to know</p> <p>11 of those complaints. And I'll ask you some</p> <p>12 specifics, but I would just like some generalities</p> <p>13 to start with.</p> <p>14 A. Well, I had -- I have no idea how many</p> <p>15 conversations with a number of people on that</p> <p>16 topic.</p> <p>17 Q. To the extent you can, when did you</p> <p>18 first learn about any complaints about Jim</p> <p>19 Beckert's behavior?</p> <p>20 A. I believe Mr. Beckert was first elected</p> <p>21 -- think about this. About 9- -- about 2015, I</p> <p>22 think. This is his second term, I think. Towards</p> <p>23 the end of second term. So I'm going to say</p> <p>24 2015 -- that may not be exactly right -- is when he</p> <p>25 first became auditor, I think, close.</p>	<p>1 employees complained to me specifically about his</p> <p>2 behavior towards them.</p> <p>3 Q. And can you give me the names of some</p> <p>4 that you can recall?</p> <p>5 A. Yes, sir, I'll give you the ones I can</p> <p>6 recall. Alicia Holland, Maria Walls, the CFO of --</p> <p>7 of the school board, Tanya --</p> <p>8 Q. Crosby?</p> <p>9 A. -- Crosby. Thank you. No, I'm sorry,</p> <p>10 Tanya Crosby did not complain to me about his</p> <p>11 treatment of her. She complained about his job</p> <p>12 performance. I want to be clear about that.</p> <p>13 I recall those two, but I'm not sure</p> <p>14 beyond that.</p> <p>15 Q. Did you ever learn of any complaints by</p> <p>16 Ebony Sanders?</p> <p>17 MR. ANDERSON: Objection.</p> <p>18 THE WITNESS: Ebony Sanders, no, sir, I</p> <p>19 do not.</p> <p>20 BY MR. CROSBY:</p> <p>21 Q. What about Monica Spells?</p> <p>22 MR. ANDERSON: Same objection.</p> <p>23 THE WITNESS: Am I hearing things?</p> <p>24 MR. ANDERSON: No, sir. I'm objecting,</p> <p>25 but you can answer the question.</p>
Page 7	Page 9
<p>1 And I don't remember, to be honest with</p> <p>2 you, when the first time I heard the complaints</p> <p>3 about him, so I can't really put a date to it.</p> <p>4 Q. Sometime after he took office?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And what was the nature of the</p> <p>7 complaints, as best you can recall?</p> <p>8 A. Well, they took two forms. One was --</p> <p>9 was his job performance and another was the way he</p> <p>10 treated some individuals that I became aware of.</p> <p>11 Q. There were some people that would</p> <p>12 complain about Mr. Beckert's performance as</p> <p>13 auditor?</p> <p>14 A. Yes, sir, to me. I don't know, I'm</p> <p>15 sure they -- well, I'm not sure of anything. They</p> <p>16 may have complained to others, but they definitely,</p> <p>17 some people definitely complained to me.</p> <p>18 Q. And then there were complaints about</p> <p>19 his behavior to -- towards specific others?</p> <p>20 A. A lot of the complaints had to do with</p> <p>21 his job performance, but you're asking me about</p> <p>22 what?</p> <p>23 Q. About his behavior toward people</p> <p>24 employed -- County employees.</p> <p>25 A. Employees. Yes, several County</p>	<p>1 THE WITNESS: Oh, okay. I want to --</p> <p>2 don't want to dis- -- I don't want to be</p> <p>3 dismissive.</p> <p>4 MR. ANDERSON: No, sir. It's a</p> <p>5 speaking objection. You can answer.</p> <p>6 THE WITNESS: I understand.</p> <p>7 Okay. You're asking me if I had</p> <p>8 complaints from Monica Spells --</p> <p>9 BY MR. CROSBY:</p> <p>10 Q. Yes.</p> <p>11 A. -- about Beckert directly?</p> <p>12 Q. Yes.</p> <p>13 A. Directly, no.</p> <p>14 Q. How about indirectly?</p> <p>15 A. I don't recall specifically.</p> <p>16 Q. Did Gary Kubic ever express concerns to</p> <p>17 you about Beckert's treatment of some of his staff?</p> <p>18 A. Yes.</p> <p>19 Q. What do you recall was relayed to you</p> <p>20 by Gary Kubic?</p> <p>21 A. Would you repeat the question, please.</p> <p>22 Q. What -- do you recall what Gary Kubic</p> <p>23 told you about that?</p> <p>24 A. About?</p> <p>25 Q. About his concerns about Beckert's</p>

3 (Pages 6 - 9)

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1 treatment of his staff?

2 A. He -- he complained -- we're not

3 talking about his job performance now.

4 Q. Right.

5 A. We're talking about treatment.

6 Q. Right.

7 A. Okay. Gary and I had -- Gary -- Gary

8 told me on several occasions that Jim Beckert

9 was -- I don't want to misquote Gary and it's very

10 difficult to try to remember his exact words, but

11 I'm trying. I'm going to have to paraphrase

12 because I'm not sure of his exact words, that he

13 was harassing some employees.

14 Q. Did Gary inform you of any action that

15 he had taken to protect those employees?

16 A. Yes. Gary -- I was chairman during

17 some of that -- oh, excuse me, I forgot to turn my

18 phone off. I'm sorry. Oh, shoot. Sorry. I

19 forgot to turn my phone off.

20 MR. BUYCK: If you need to get that

21 call you're welcome to.

22 THE WITNESS: What's that?

23 MR. BUYCK: If you need to get that

24 call --

25 THE WITNESS: No, no, no. I -- it's --

Page 11

1 I'll call them back.

2 Again, would you repeat the question?

3 I'm sorry I was interrupted.

4 BY MR. CROSBY:

5 Q. I believe the question was did Gary

6 ever tell you or did you learn of any actions that

7 Gary had taken to protect any of the County

8 employees from Jim Beckert's harassment?

9 A. Yes.

10 Q. What -- what did you learn?

11 A. He told me on numerous occasions that

12 he had gone to Beckert's office and talked to him

13 and brought Beckert into his office to talk to him

14 to try to prevent some of that behavior.

15 Q. Did you ever learn that he had blocked,

16 basically limited Jim Beckert's access to his

17 part -- part of the building?

18 MR. ANDERSON: Objection.

19 THE WITNESS: I am not aware that Gary

20 Kubic limited Beckert's access to any part of the

21 building or -- I don't remember that that was

22 discussed.

23 BY MR. CROSBY:

24 Q. What about, did you become aware that

25 Gary Kubic, in conjunction with the sheriff's

Page 12

1 office, had installed cameras on the County

2 administration building because of Jim Beckert's

3 peering through Maria Walls' windows?

4 A. Yes.

5 Q. When did you learn of that?

6 A. Well, let's see. Gary left in -- I'm

7 not going to try to pinpoint that date because I

8 don't remember exactly when he left, but sometime

9 prior to Gary leaving he told me that -- he told me

10 he was installing cameras for that purpose. Among

11 others, there were other -- it wasn't the only

12 purpose, but it was a purpose.

13 Q. What you learned is that what prompted

14 it was a complaint from Maria Walls about Jim

15 Beckert peering through her window?

16 A. Yes.

17 MR. ANDERSON: Object to the form.

18 BY MR. CROSBY:

19 Q. Did -- did he relay to you that Jim

20 Beckert would peer through his window as well?

21 A. On numerous occasions, yes.

22 Q. In your time on County Council, was the

23 issue of Jim Beckert's behavior toward employees

24 and/or Maria Walls ever discussed as an agenda item

25 or in an executive session item where there was

Page 13

1 some effort to determine if anything could be done

2 to stop it?

3 A. I don't recall.

4 Q. Did Gary Kubic ever express to you any

5 frustration about his inability to stop Jim

6 Beckert's behavior?

7 A. Yes.

8 Q. And -- and tell me -- tell me what you

9 recall about that.

10 A. I can remember on several occasions

11 Gary being extremely frustrated because he -- he

12 couldn't figure out how to solve that problem, the

13 Beckert problem, in spite of his efforts.

14 Q. I believe after Maria Walls filed her

15 lawsuit, you were interviewed by the -- the paper

16 and you indicated that -- you acknowledged the

17 complaints that had been received and indicated it

18 had been on an ongoing basis?

19 A. (Indicating an affirmative response.)

20 Q. Is that correct?

21 A. That's correct.

22 Q. And you're quoted in there as saying,

23 "We concluded that because he's an elected official

24 there wasn't a whole lot we can do." And it says,

25 "I never felt comfortable with that because I just

4 (Pages 10 - 13)

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1 kept thinking there has to be something we can do
2 to help these poor people."
3 Do you recall saying that?
4 A. I do.
5 Q. When you say we made the decision or we
6 concluded that there wasn't much could be done was
7 that council concluded or are you talking about
8 County government?
9 A. No, I'm really talking about Gary and
10 myself because my conversations were not with the
11 council itself. We may have had individual
12 conversations. I don't recall that we had a group
13 conversation, a council conserv- -- conversation.
14 But I had many conversations with Gary about it and
15 so I guess the "we" I'm talking about really is
16 Gary and I. I think I was probably chairman at
17 that time.
18 Q. And as chairman you would have had a
19 lot of direct communications with the County
20 administrator?
21 A. Daily.
22 Q. Was there ever a -- a legal opinion
23 that was issued where that was looked at to see if
24 there was anything that could be done?
25 A. I don't have direct knowledge of any

Page 15

1 conversations that may have taken place between
2 Gary and attorneys or Gary and the governor's
3 office or Gary and whoever. I mean I had second --
4 I have secondhand information that those
5 conversations took place, but no firsthand
6 information.
7 Q. Did you ever see any -- anything in
8 writing that came to the conclusion that nothing
9 could be done to stop Jim Beckert from harassing
10 employees and others on County property?
11 A. I don't recall seeing anything like
12 that.
13 Q. You certainly felt that -- or -- strike
14 that.
15 You certainly would have liked to have
16 been able to do something to protect these
17 employees from harassment?
18 A. Oh, my gosh, yes. Absolutely.
19 Q. And if there would have been anything
20 within the power of the County administrator that
21 could have been done to protect them, that should
22 have been done, correct?
23 MR. BUYCK: Note my objection.
24 THE WITNESS: Would you repeat that,
25 please.

Page 16

1 BY MR. CROSBY:
2 Q. If there was anything that could have
3 been done within the power of the County
4 administrator or department heads to protect from
5 Jim Beckert's harassing behavior, that should have
6 been done?
7 A. You mean -- I'm still not understanding
8 --
9 Q. Is it --
10 A. -- exactly how you're wording the
11 question.
12 Q. Well, would you agree that if there
13 were actions that could have been done to protect
14 from Jim Beckert's harassing behavior, that any
15 available avenue should have been pursued?
16 MR. ANDERSON: Object to the form.
17 THE WITNESS: Oh, absolutely. Would
18 have been, certainly would have been by Gary and my
19 opinion would have been pursued by Gary Kubic and
20 would have been pursued by me in my role. We just
21 never could come up with anything that seemed to
22 have any likelihood of success. It was very
23 frustrating.
24 BY MR. CROSBY:
25 Q. Did you ever have any conversations

Page 17

1 over the years with Maria Walls about her concerns
2 about Jim Beckert's behavior?
3 A. Yes. I can't tell you how many, but it
4 was probably quite a few.
5 Q. Was that something that was a constant
6 topic between you and Maria where she would bring
7 up her concerns about Jim Beckert?
8 A. Yes.
9 Q. In your observations or in what she
10 told you, did you learn as to whether she feared
11 for her physical safety?
12 A. I can't answer that. I don't know the
13 answer to that.
14 Q. But what she would relay to you was
15 that she was being harassed by Jim Beckert?
16 MR. ANDERSON: Objection.
17 THE WITNESS: Yes.
18 BY MR. CROSBY:
19 Q. When --
20 A. Excuse me, I just remembered I have got
21 another phone to turn off. That's it. I promise
22 there are no more.
23 Q. When -- sometime after Maria Walls
24 filed her lawsuit against the County, did you learn
25 that Jim Beckert's access to the County

5 (Pages 14 - 17)

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<p style="text-align: right;">Page 18</p> <p>1 Administration Building had been restricted?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me how you came to learn of that.</p> <p>4 A. I believe that the then-County</p> <p>5 administrator told us that -- told the County</p> <p>6 Council at an executive session. It wasn't -- it</p> <p>7 was after Gary. This was Ashley Jacobs.</p> <p>8 Q. She told council that she had taken the</p> <p>9 steps to restrict his access --</p> <p>10 A. Correct.</p> <p>11 Q. -- and prohibit -- prohibit him from</p> <p>12 having any contact with County employees?</p> <p>13 A. Yeah, let me, if I may, clarify</p> <p>14 something I said a minute ago that we had no</p> <p>15 executive sessions to talk about Jim Beckert. That</p> <p>16 was under Gary Kubic. But I can't recall any, but</p> <p>17 now we're moving forward to Ashley Jacobs and under</p> <p>18 Ashley Jacobs we did have, I don't remember, one or</p> <p>19 two, but we had at least one.</p> <p>20 Q. Okay. Well, I was going to ask you</p> <p>21 about Ashley Jacobs. So did Ashley Jacobs ever</p> <p>22 relay comp- -- complaints about Jim Beckert's</p> <p>23 harassment of County employees?</p> <p>24 A. Yes.</p> <p>25 Q. What do you recall about your</p>	<p style="text-align: right;">Page 20</p> <p>1 I just don't recall it. I think I have read every</p> <p>2 article involving Mr. Beckert that's been written.</p> <p>3 I may have missed one because I'm out of town quite</p> <p>4 a bit, but I usually catch up when I come back,</p> <p>5 so...</p> <p>6 Q. Were there any -- ever any discussions</p> <p>7 in executive session about Jim Beckert's treatment</p> <p>8 of County employees?</p> <p>9 A. Yes.</p> <p>10 Q. When -- when would that have occurred?</p> <p>11 A. Sometime in the first half of 2020.</p> <p>12 Q. And what was -- what -- what brought</p> <p>13 that to be an item of executive session?</p> <p>14 A. Well, my impression was that</p> <p>15 Ms. Jacobs -- Ms. Jacobs was extremely frustrated</p> <p>16 dealing with Jim Beckert, as was Gary Kubic, the</p> <p>17 difference being that I had a lot more daily</p> <p>18 communication with Gary Kubic than I had with</p> <p>19 Ms. Jacobs simply because I wasn't the chairman</p> <p>20 beginning in 2020.</p> <p>21 Q. What do you recall about --</p> <p>22 A. Or -- or '19, for that matter.</p> <p>23 Q. What do you recall about the specifics</p> <p>24 that she was relaying to council about her</p> <p>25 frustrations with Jim Beckert?</p>
<p style="text-align: right;">Page 19</p> <p>1 conversations with Ms. Jacobs?</p> <p>2 A. A lot of her complaints about Jim</p> <p>3 Beckert had to do with his job performance.</p> <p>4 Q. Well, would -- I'm talking about</p> <p>5 specific to his harassment of County employees.</p> <p>6 A. Right. I'm trying to recall if she --</p> <p>7 she very well may have, but I can't -- I can't</p> <p>8 swear that that happened, that she did, that she</p> <p>9 talked about his harassment. She very -- I'm sorry</p> <p>10 to say I just don't specifically remember. I had</p> <p>11 so many conversations with so many people about his</p> <p>12 harassment, that I'm not sure if she was one.</p> <p>13 I had conversations with her about Jim</p> <p>14 Beckert, but I'm not sure if harassment was part of</p> <p>15 those con- -- it may -- may well have been, but I'm</p> <p>16 not sure.</p> <p>17 Q. Did she ever relay to you that Jim</p> <p>18 Beckert exhibited harassing behavior toward her?</p> <p>19 A. She never said that directly to me. I</p> <p>20 think -- I think I may have heard that secondhand,</p> <p>21 but I'm not sure.</p> <p>22 Q. Did -- did -- did you read in any</p> <p>23 newspaper articles where she was quoted as that, as</p> <p>24 having been harassed by Jim Beckert?</p> <p>25 A. If there was an article, I read it, but</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I recall that her primary focus was</p> <p>2 getting the tax bills out and getting the --</p> <p>3 closing the books, getting the CAFR out and his --</p> <p>4 his role in those things, particularly the tax</p> <p>5 bills.</p> <p>6 Q. Well, and what about specific to his</p> <p>7 conduct toward County employees and others on</p> <p>8 County property?</p> <p>9 A. It was discussed, but I can't remember</p> <p>10 the particulars of it.</p> <p>11 Q. Was there any executive action</p> <p>12 discussed that -- that was proposed to be taken</p> <p>13 with regard to Jim Beckert's conduct toward County</p> <p>14 employees?</p> <p>15 A. Yes. I don't know who came up with</p> <p>16 this idea. I may have known at the time, but I</p> <p>17 don't know now. Somebody came up with the idea</p> <p>18 that we could exclude him or, I'm sorry, that the</p> <p>19 administrator had control over the building, the</p> <p>20 County Office Building and, therefore, had the</p> <p>21 authority to exclude him from that building and</p> <p>22 that was going to be the action taken and, in fact,</p> <p>23 that was the action taken.</p> <p>24 Q. Now, that was after the lawsuits were</p> <p>25 filed?</p>

6 (Pages 18 - 21)

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1 A. I can't -- I don't know what the
2 sequence was.
3 Q. Other than that, do you recall any
4 action that was discussed with regard to Jim
5 Beckert's conduct toward --
6 A. Yes, I heard some conversations about
7 going to the governor, but they were -- they were
8 secondhand conversations and so...
9 Q. That was something that was discussed
10 in executive session or just something that was
11 talked with outside of?
12 A. No, I don't recall it being discussed
13 in executive session, but I do recall it being
14 discussed between myself and Josh Gruber, Gary
15 Kubic.
16 Q. With regard to the County administrator
17 having the power or control over access to the
18 buildings, whatever that timing was, was there any
19 vote on that or was it just a discussion that she
20 actually, the County administrator, possessed that
21 power?
22 A. My recollection is that in executive
23 session, Ashley Jacobs proposed that idea. There
24 was never a vote, to my knowledge, and as a -- as I
25 recall, she proposed it as something within her

Page 23

1 authority to do. It didn't require a vote.
2 Q. The -- the County does have control
3 over the County property, correct?
4 A. Absolutely.
5 Q. So that's basically what she was
6 suggesting is, as in her role as the highest
7 ranking County employee, she had the authority to
8 make that -- take that type of action?
9 MR. BUYCK: Note my objection.
10 THE WITNESS: Correct.
11 BY MR. CROSBY:
12 Q. There was no vote taken that night
13 to -- or in that meeting to give her special power?
14 A. No, I only -- I only wish that I had
15 thought of it. I only wish Gary Kubic had thought
16 of it. As far as I know, Gary Kubic didn't think
17 of it, Josh Gruber didn't think of it, and I didn't
18 think of it, so, but somebody did at some point and
19 I think it -- so...
20 Q. Do you re- -- did you have more than
21 one conversation with Alicia Holland --
22 A. Yes.
23 Q. -- about Beckert's behavior towards
24 her?
25 A. Yes.

Page 24

1 Q. Was that something that she complained
2 to you about on multiple occasions?
3 A. Yes.
4 Q. Was the -- the complaint typically the
5 same, that Beckert was harassing her?
6 A. Well, a lot of her complaints had to do
7 with his -- because she was the chief financial
8 officer and responsible for the finance of the --
9 of the County, she -- a lot of her complaints,
10 certainly not all of them, but a lot of them had to
11 do with his job performance. But yes, she also
12 complained about his harassment.
13 Q. Did she --
14 A. To me.
15 Q. -- complain to you that he was causing
16 her discomfort and stress?
17 A. I'm struggling to answer that question
18 because I'm not sure if -- if my conversation with
19 her was privileged, so...
20 Q. I don't -- I don't know how it would
21 be, but as her attorney, it's okay to tell me.
22 A. Okay. No, I think there were other
23 things that frustrated her as well, but yes, Jim
24 Beckert was certainly one of them.
25 Q. Did she relay to you that she was

Page 25

1 stressed about whether that Jim was causing her
2 stress in -- in doing her job?
3 A. Yes.
4 Q. Let me give you a couple of documents
5 and I'll let him take a break so you can look at
6 them.
7 MR. CROSBY: What exhibit numbers are
8 these?
9 MS AVANT: (Inaudible.)
10 THE WITNESS: Take a break, like make a
11 call? Or take a break, like wait for them?
12 MR. BUYCK: You can make a call.
13 MR. CROSBY: Let's just go off the
14 record.
15 THE VIDEOGRAPHER: We are going off
16 record. The time is 2:42 p.m.
17 (A Recess transpired.)
18 (EXHIBIT 14, Letter, 3-6-18, was marked
19 for identification.)
20 (EXHIBIT 15, E-Mail, 5-21-19, was
21 marked for identification.)
22 (EXHIBIT 16, E-Mail, 8-7-20, was marked
23 for identification.)
24 (EXHIBIT 17, E-Mail, 8-19-20, was
25 marked for identification.)

7 (Pages 22 - 25)

Ex. 3

Beaufort County Adopts Testimony:

Topic 12: The Role of County Council Over the Day-to-Day Operations of the County



Deposition of:
Brian Flewelling

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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<p style="text-align: right;">Page 22</p> <p>1 he was so adamant about it and I -- and finally at</p> <p>2 the end I had to lay down the law, this is my</p> <p>3 product, I'm paying for it, I need to have</p> <p>4 authority to say what I want and what I don't want.</p> <p>5 And he said okay and that was it. But</p> <p>6 he was adamant about it, arguing with me about</p> <p>7 something that I didn't think was his within his --</p> <p>8 that I didn't think it was right for him to argue</p> <p>9 with me and I felt like he was being a little bit</p> <p>10 of a jerk.</p> <p>11 And so that was 2008 and I'm sure that</p> <p>12 it happened -- I saw him in a disagreement with his</p> <p>13 wife, you know, over relatively simple things and</p> <p>14 he's had a little bit of an attitude that I felt</p> <p>15 was not the way I would have handled a disagreement</p> <p>16 with my wife. And it was something very minor,</p> <p>17 it's just the way he said something was, you know,</p> <p>18 a little bit of a jerk. And, you know, I can't</p> <p>19 even remember what the disagreement was or what he</p> <p>20 said or even really the way he said it. Just like</p> <p>21 I felt it was something jerky, you know.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. Is -- is -- is Jim still married?</p> <p>24 A. Yes, to my knowledge.</p> <p>25 Q. Do they still have the Pinpoint</p>	<p style="text-align: right;">Page 24</p> <p>1 way toward anyone else other than maybe a couple of</p> <p>2 times with yourself and then his wife?</p> <p>3 A. No.</p> <p>4 Q. So if there were problems at the County</p> <p>5 with regard to Jim Beckert harassing employees that</p> <p>6 were beyond the ability of the County administrator</p> <p>7 to resolve, that was just never brought to your</p> <p>8 attention?</p> <p>9 A. No, I don't believe it was.</p> <p>10 Q. And even so, you would have expected</p> <p>11 the County administrator to have had the ability</p> <p>12 and authority to take necessary action to protect</p> <p>13 the employees of Beaufort County?</p> <p>14 A. That's correct.</p> <p>15 Q. That would have fallen -- fallen</p> <p>16 directly in the purview of the County administrator</p> <p>17 as the top employee in the County?</p> <p>18 A. That's correct.</p> <p>19 MR. CROSBY: Let me take just a quick</p> <p>20 break. If you want to be at ease for a minute.</p> <p>21 THE VIDEOGRAPHER: We are going off</p> <p>22 record. The time is 1:43 p.m.</p> <p>23 (A brief recess was taken.)</p> <p>24 THE VIDEOGRAPHER: We are back on</p> <p>25 record. The time is 1:51 p.m.</p>
<p style="text-align: right;">Page 23</p> <p>1 Printing business?</p> <p>2 A. I don't believe he does that anymore.</p> <p>3 Q. Did you know Jim when he worked at</p> <p>4 Beaufort Memorial Hospital?</p> <p>5 A. No. When I first met him, he may have</p> <p>6 been at Beaufort Memorial, but honestly, I didn't</p> <p>7 keep track of where he was working or what he was</p> <p>8 doing.</p> <p>9 Q. Do you know of your own personal</p> <p>10 knowledge if he ever worked there?</p> <p>11 A. Like having seen him there, no, not to</p> <p>12 my own personal knowledge.</p> <p>13 Q. Has he told you he worked there?</p> <p>14 A. Not that I recall, no.</p> <p>15 Q. Were you -- you act like you were</p> <p>16 familiar with that. Do you know -- you just don't</p> <p>17 know one way or the other if he ever worked there?</p> <p>18 A. That's right. I don't recall that he</p> <p>19 ever said he was gainfully employed by Beaufort</p> <p>20 Memorial, but I recall having conversations about</p> <p>21 him that it was implied that he worked there in,</p> <p>22 like, HR or something like that.</p> <p>23 Q. Have you ever seen Jim exhibit what you</p> <p>24 would consider behavior that would -- you would</p> <p>25 classify as him being a jerk or being out of the</p>	<p style="text-align: right;">Page 25</p> <p>1 BY MR. CROSBY:</p> <p>2 Q. As a member of County Council, would</p> <p>3 you agree that the employees of the County ought to</p> <p>4 be provided the working environment that is free of</p> <p>5 harassment as -- as is set forth in the personnel</p> <p>6 manual?</p> <p>7 A. Yes.</p> <p>8 Q. And that behavior by anyone, be it a</p> <p>9 County employee, elected official, that disrupts</p> <p>10 the working environment and causes employees of</p> <p>11 Beaufort County to feel harassed or hostility,</p> <p>12 should be addressed by the County if -- if they</p> <p>13 come to know of that?</p> <p>14 A. I'm -- I don't really have an answer to</p> <p>15 that question, sir. I'm not really sure I</p> <p>16 understand what you're saying.</p> <p>17 Q. Well, if -- if the County leadership,</p> <p>18 such as County administration become -- becomes</p> <p>19 aware of a pattern of abusive behavior toward</p> <p>20 County employees, would you agree that it be your</p> <p>21 expectation that whatever the source of that</p> <p>22 abusive behavior that it be addressed such that the</p> <p>23 employees are working in a proper secure</p> <p>24 environment?</p> <p>25 A. Within the bounds of the law, yes.</p>

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1 Q. Within the bounds of law and the bounds
2 of what -- what's set forth in County policy?
3 A. And the law. I'm not sure -- I'm not
4 sure what goes on, but I would expect the County
5 administrator to make sure that our employees have
6 a safe work environment.
7 Q. And that is something you're really
8 obligated to, not only as a matter of policy, but
9 as a matter of law that all employees are entitled
10 to a safe working environment?
11 A. Yes, sir.
12 Q. And that's what the public, the voters
13 in Beaufort County would -- you would think that
14 that's what they would expect, correct?
15 MR. BUYCK: Note my objection.
16 THE WITNESS: Yes, sir.
17 BY MR. CROSBY:
18 Q. In preparation for your deposition, did
19 you review a recording of a telephone conversation
20 or -- between you and Maria Walls from January
21 2020?
22 A. Is that when that conversation
23 happened?
24 Q. Yeah.
25 A. Yes.

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1 Q. Is that the one you were referring, you
2 thought it was October of 2 --
3 A. That's correct, sir, that's the one I
4 thought it was --
5 Q. Okay. That's the one you were making
6 reference to?
7 A. Right. Exactly.
8 Q. And that's where you were saying you
9 were trying to be an intermediary?
10 A. Right.
11 Q. Was anything in that conversation
12 between you and Ms. Walls that you felt was
13 inaccurate?
14 A. You mean at the time that I was
15 doing -- I was --
16 Q. Well, just when you reviewed it, I
17 mean, does that sound like an accurate recording of
18 the conversation between you and Ms. Walls on that
19 day?
20 A. Yes.
21 MR. CROSBY: We'll mark a placeholder
22 for a transcript of that for -- was it 13 now?
23 MS. AVANT: 13.
24 (EXHIBIT 13, Audio Recording
25 Transcript, was marked for identification.)

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1 BY MR. CROSBY:
2 Q. I'm not going to bother you with going
3 through that line by line. If you've listened to
4 it, we have got it.
5 With that said, I don't have any other
6 questions.
7 MR. BUYCK: I have no questions.
8 MR. ANDERSON: I don't have any
9 questions. Thank you, sir.
10 MR. BUYCK: All right. We're done.
11 THE VIDEOGRAPHER: We're going off
12 record. The time is 1:55 p.m. This concludes the
13 video-recorded testimony of Brian Flewelling and
14 will be retained by Veritext.
15 (The witness, after having been advised
16 of his right to read and sign this transcript, does
17 not waive that right.)
18 (The deposition concluded at 1:55 p.m.)
19
20
21
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23
24
25

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1 CERTIFICATE OF REPORTER
2
3 I, Julie L. Bonomo, Court Reporter and
4 Notary Public for the State of South Carolina at
5 Large, do hereby certify that the foregoing
6 transcript is a true, accurate, and complete
7 record.
8 I further certify that I am neither
9 related to nor counsel for any party to the cause
10 pending or interested in the events thereof.
11 Witness my hand, I have hereunto
12 affixed my official seal this 18th day of April,
13 2021, at Charleston, Charleston County, South
14 Carolina.
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25

 *Julie L. Bonomo*

Julie L. Bonomo
Court Reporter
My Commission expires
July 28, 2027

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In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

Page 13	Page 14
<p>1 the discovery that's been served on the county?</p> <p>2 A He's aware that we've been served with</p> <p>3 discovery.</p> <p>4 Q And, of course, you, as a lawyer,</p> <p>5 understand --</p> <p>6 A Sure.</p> <p>7 Q -- the county would have an obligation to</p> <p>8 preserve --</p> <p>9 A Right.</p> <p>10 Q -- any discoverable material?</p> <p>11 A Right, right.</p> <p>12 MR. BUYCK: And just for the record, I've</p> <p>13 given you the issues set forth regarding</p> <p>14 videos and that we don't have the capacity to</p> <p>15 maintain the videos for a lengthy period of</p> <p>16 time. There have been several letters</p> <p>17 exchanged between your office and my office</p> <p>18 relative to that, and if there's something</p> <p>19 that y'all want within the time frames in</p> <p>20 which we're able to get it and you're aware of</p> <p>21 it, then let us -- let us know what you're</p> <p>22 aware of, and we'll try to preserve it the</p> <p>23 best we can, but otherwise, we don't have the</p> <p>24 capacity to do so.</p> <p>25 And I'm just -- I'm just putting this out</p>	<p>1 there again because I don't want it to look</p> <p>2 like we're trying to hide something from you.</p> <p>3 MR. CROSBY: Well, just know you have an</p> <p>4 obligation, if they know there's video of him</p> <p>5 going in there, to preserve it, and that can</p> <p>6 be preserved right immediately.</p> <p>7 MR. BUYCK: This is the first I've heard</p> <p>8 of it, but I'll do whatever is necessary, but</p> <p>9 like I said, if y'all will let me know of</p> <p>10 things, I'll be glad to try to preserve it.</p> <p>11 MR. CROSBY: Well, I just let -- I just</p> <p>12 let you know about that.</p> <p>13 MR. BUYCK: That's fine.</p> <p>14 MR. CROSBY: But they already knew, so I</p> <p>15 would presume that it's been preserved.</p> <p>16 MR. BUYCK: Okay. First I've heard of</p> <p>17 it, so --</p> <p>18 THE WITNESS: If it exists. I don't even</p> <p>19 know if it exists.</p> <p>20 MR. CROSBY: I think our next exhibit is</p> <p>21 Number 18.</p> <p>22 (Exhibit 18, 8/15/16 Email to Cadd</p> <p>23 from Beckert, was marked for</p> <p>24 identification.)</p> <p>25 MR. CROSBY: I think the next exhibit's</p>
Page 15	Page 16
<p>1 supposed to be -- is 18 in what we've marked</p> <p>2 so far.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q Do you recognize the attachment to</p> <p>5 Exhibit 18?</p> <p>6 A I do.</p> <p>7 Q Just explain to me what this is.</p> <p>8 A All right. Let me just read it fully for</p> <p>9 a second.</p> <p>10 Q Yeah. Take your time.</p> <p>11 A I remember seeing it, but it's been a</p> <p>12 long time.</p> <p>13 All right. Yes. So I'm sorry. Your</p> <p>14 question is?</p> <p>15 Q What is the attachment to Exhibit 18?</p> <p>16 A Being a lawyer, I can be long-winded, and</p> <p>17 I apologize for that, so if I get long-winded and</p> <p>18 don't answer your question, just kind of get me</p> <p>19 back to where you want to be.</p> <p>20 But what this document is is it's a</p> <p>21 letter from Gary Kubic to basically all the elected</p> <p>22 officials in the county regarding Beaufort --</p> <p>23 county council's decision to adopt a new personnel</p> <p>24 handbook for the first time since 2005. And so</p> <p>25 this new handbook went into effect, I think by</p>	<p>1 resolution of council, on August 1st, 2016, and the</p> <p>2 regulations and the rules that are set forth in</p> <p>3 that personnel handbook apply only to folks over</p> <p>4 whom the administrator has authority, hiring and</p> <p>5 firing authority. The county administrator's</p> <p>6 authority does not extend to the offices of the</p> <p>7 elected officials.</p> <p>8 And so what Mr. Kubic decided he wanted</p> <p>9 to do was to provide the elected officials,</p> <p>10 including the magistrates who are selected by a</p> <p>11 state senator, the opportunity to adopt -- to</p> <p>12 review the handbook and to decide whether or not</p> <p>13 they wanted to utilize it for their personnel, and</p> <p>14 if they did, he wanted them to sign this document</p> <p>15 so that we could then -- HR could then process</p> <p>16 payroll, vacation times, all kinds of benefits,</p> <p>17 everything, for the employees for the elected</p> <p>18 officials the same as the employees over whom he</p> <p>19 had authority.</p> <p>20 Q And so is that sort of an exchange</p> <p>21 between the county and the elected official where</p> <p>22 if they sign on to the -- be bound by the handbook,</p> <p>23 that the county then provides certain services?</p> <p>24 A That's exactly right.</p> <p>25 Q And did Jim Beckert, as an elected</p>

4 (Pages 13 to 16)

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1 official, sign onto the handbook?
 2 A I don't know that I ever saw his
 3 signature, but it's my understanding that he did,
 4 yes. I say I don't know. I don't recall seeing
 5 it, but I might have. But I think all the elected
 6 officials decided to go that way, although I don't
 7 know about the legislative delegation. I see
 8 Representative Erickson's name is on here, and I
 9 really don't know what became of that.

10 Q I'll pass you Exhibit Number 19.
 11 (Exhibit 19, 3/28/17 Email to
 12 Keaveny from Gruber, was marked for
 13 identification.)

14 BY MR. CROSBY:

15 Q And I just wanted to point to the --
 16 maybe that third paragraph, Tom. Looks like an
 17 email from you to Josh Gruber. I guess you're
 18 addressing Jim Beckert there?

19 A It looks like it's from Josh Gruber to
 20 me, even though it then says Jim. So I think I
 21 remember this situation, but let's make sure.
 22 Yeah, I think this is right. Hold on a second. Do
 23 you want me to -- are you going to ask me --

24 Q No. I was just -- if we look at that
 25 third paragraph Mr. Gruber writes there, it says:

Page 18

1 By electronic communication to the county
 2 administrator, you voluntarily adopted this policy.

3 A There you go.

4 Q So would that be confirmatory?

5 A Yeah, yes, sir.

6 Q And this is where Mr. Beckert is
 7 attempting to require an employee to give 30 days
 8 notice --

9 A Right.

10 Q -- of her leaving the county's
 11 employment?

12 A Right.

13 Q And Mr. Gruber is pointing to Mr. Beckert
 14 that he's not allowed to do that?

15 A Uh-huh.

16 Q That's a yes?

17 A Yes.

18 Q And Maria Walls, likewise, signed the
 19 agreement to be bound by the Beaufort County
 20 employee handbook?

21 A I don't know that I ever saw her
 22 signature, but by virtue of things that have gone
 23 on with Maria and her employees, I have to believe
 24 that she agreed to be bound by it.

25 Q In order to accept the -- to get the

Page 19

1 services from the county, there would have to be
 2 that agreement in place?

3 A And I understand she's -- her employees
 4 have been receiving those services, so I assume
 5 that she signed the document.

6 Q And once the elected official signs that,
 7 the memorandum, the agreement to be bound by the
 8 employee handbook and have their personnel, their
 9 employees abide by the handbook, the county, as is
 10 pointed out in Exhibit 19, expects the elected
 11 officials and their employees to abide by the
 12 handbook?

13 MR. BUYCK: Note my objection.

14 THE WITNESS: You know, I would say that
 15 in general, the answer to that question is
 16 yes, but I don't think that it gave -- it
 17 certainly didn't give -- in my opinion, it
 18 didn't give the county administrator authority
 19 over their employees.

20 BY MR. CROSBY:

21 Q Right, but you expected that the
 22 employees abide by the various provisions in the
 23 handbook?

24 A Sure, you know, not to take more vacation
 25 than you are allotted and what -- all the

Page 20

1 regulations that are in there, sure, grievance
 2 procedures, for instance.

3 Q To follow the anti-harassment policies?

4 A Yes, sir.

5 Q Going back to the office space, tell me
 6 what is the -- that interplay with regard to office
 7 space between the county and elected officials.

8 A So it's been a long time since I've
 9 looked at the statute that applied, but the state
 10 statute requires the counties to provide the
 11 elected officials offices and office equipment and
 12 office supplies, the things that -- I think the
 13 statute is very broad and vague. It just -- I
 14 think it says something like that the county shall
 15 provide the elected officials the resources
 16 necessary to perform their functions, and so that's
 17 what we do. That's what the county does.

18 Q And where that office space is located
 19 is -- that is within the discretion of the county?

20 MR. BUYCK: Note my objection.

21 THE WITNESS: Well, at some point it is.
 22 I think it's difficult to -- I think there's
 23 some case law out there that indicates it's
 24 difficult to move -- instruct officials to
 25 move. We haven't ever tried -- I haven't ever

5 (Pages 17 to 20)



Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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<p style="text-align: right;">Page 58</p> <p>1 Mr. Beckert let them know.</p> <p>2 Q. Did he ever express his displeasure to</p> <p>3 you?</p> <p>4 A. Oh, yeah.</p> <p>5 Q. That was certainly within your</p> <p>6 authority to take that action, I assume?</p> <p>7 A. Yes. I think there is a -- I'm not</p> <p>8 sure if there is a statute or there is a policy.</p> <p>9 Maybe it's a council policy. But county</p> <p>10 administrators are responsible for the -- all</p> <p>11 buildings of the county, includes maintenance. The</p> <p>12 only caveat would be overall security, which I</p> <p>13 coordinated with the sheriff's office.</p> <p>14 Q. Have you got Exhibit Number 1? Can you</p> <p>15 pass him a copy there?</p> <p>16 A. Give me three minutes so I can read</p> <p>17 this document.</p> <p>18 Q. Just take a second. You probably</p> <p>19 helped write it, so...</p> <p>20 A. I'm familiar with it.</p> <p>21 Q. And that's the county handbook that was</p> <p>22 adopted -- that version looks like August of 2016?</p> <p>23 A. Yes. Resolution 2016/11.</p> <p>24 Q. And I believe that in addition to</p> <p>25 county employees, that the employees of the</p>	<p style="text-align: right;">Page 60</p> <p>1 would be created by having all elected officials</p> <p>2 consent to the rules and regulations of a personnel</p> <p>3 handbook, which then offered a level of expertise</p> <p>4 for HR in terms of consistent management or</p> <p>5 application for vacation, sick leave, whatever the</p> <p>6 provision or idea would be.</p> <p>7 Q. Was the adoption by the elected offices</p> <p>8 of this -- of Exhibit 1, the manual, a part of</p> <p>9 the -- I guess the bargain with the county for --</p> <p>10 to receive HR services and that type of thing?</p> <p>11 A. Yeah. There was a -- sort of a mutual</p> <p>12 understanding that the HR department was under the</p> <p>13 control of the county administrator; however, to</p> <p>14 assist in advertising a position or to assist in</p> <p>15 management or to assist in producing documents on</p> <p>16 behalf of the employee W-2, the actual paychecks,</p> <p>17 how to do electronic deposit, all those things were</p> <p>18 a result of a mutual understanding of how to</p> <p>19 process.</p> <p>20 It didn't necessarily mean that I could</p> <p>21 tell any elected official who to hire. That was up</p> <p>22 to them. But the process of how to manage and what</p> <p>23 was expected of both sides, that was the purpose of</p> <p>24 the handbook: Consistency.</p> <p>25 Q. And consistency on that side, and then</p>
<p style="text-align: right;">Page 59</p> <p>1 auditor's and treasurer's office signed off on that</p> <p>2 document?</p> <p>3 A. I believe all elected officials of the</p> <p>4 county signed off on this document.</p> <p>5 Q. Including council members?</p> <p>6 A. Well, council doesn't hire employees.</p> <p>7 I'm not sure if they did. But all the other</p> <p>8 elected divisions, including I think the</p> <p>9 magistrates, the courts, any other unit that had</p> <p>10 separately had the capability by statute to hire</p> <p>11 their own employees.</p> <p>12 Q. And what was it --</p> <p>13 A. All the hiring of employees for county</p> <p>14 council was done through me. That's why I don't --</p> <p>15 I don't know if county --</p> <p>16 Q. What's the rationale on -- on having</p> <p>17 the other elected officials and their employees</p> <p>18 sign off and adopt this policy?</p> <p>19 A. The recommendation and -- came from our</p> <p>20 outside counsel, I believe, was Attorney Edwards.</p> <p>21 The idea of having a personnel handbook was so that</p> <p>22 the employee and the employer, whether it would be</p> <p>23 county administration, auditor, or treasurer, that</p> <p>24 the expectations and actions of each party would be</p> <p>25 defined in writing, and that the uniform standard</p>	<p style="text-align: right;">Page 61</p> <p>1 there was a centralized -- the elected offices got</p> <p>2 the benefit of using the county's HR services like</p> <p>3 you say for W-2s and --</p> <p>4 A. Right. Producing a paycheck.</p> <p>5 MR. J. ANDERSON: Object to the form.</p> <p>6 MR. BUYCK: Note my objection, too.</p> <p>7 THE WITNESS: What was your question</p> <p>8 again?</p> <p>9 BY MR. CROSBY:</p> <p>10 Q. There was two sides to it. You had</p> <p>11 consistency and policy over here, but also the</p> <p>12 benefit to the elected offices would be consistency</p> <p>13 and the provision of the HR services?</p> <p>14 A. Yeah. There are certain requirements</p> <p>15 that are involved when you hire an employee. One</p> <p>16 is simply recordkeeping, timekeeping,</p> <p>17 hospitalization, how to produce a paycheck. All of</p> <p>18 those things were products of the HR department</p> <p>19 under my administration as county administrator.</p> <p>20 So the idea was instead of having all the elected</p> <p>21 officials having their own HR department, their own</p> <p>22 check writing, their own hospitalization, for</p> <p>23 purposes of efficiency and movement, it -- it was</p> <p>24 under the HR.</p> <p>25 This, also, handbook was not just for</p>

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<p style="text-align: right;">Page 62</p> <p>1 elected officials, it's also for the new hires to</p> <p>2 understand what their responsibilities are to the</p> <p>3 taxpayer of Beaufort County.</p> <p>4 Q. Right. This is the exact same handbook</p> <p>5 that your staff would sign?</p> <p>6 A. Yes.</p> <p>7 Q. And it sets forth the expectations with</p> <p>8 regard to the -- how you expect county employees</p> <p>9 and those that sign off on this to act in the</p> <p>10 workplace? It has --</p> <p>11 MR. J. ANDERSON: Objection.</p> <p>12 MR. BUYCK: Note my objection.</p> <p>13 BY MR. CROSBY:</p> <p>14 Q. -- certain -- certain forbidden --</p> <p>15 or behaviors that are set forth in this?</p> <p>16 MR. BUYCK: Same objection.</p> <p>17 MR. J. ANDERSON: Me too.</p> <p>18 THE WITNESS: It -- it's a -- it's a</p> <p>19 personnel handbook that offers the elected official</p> <p>20 the hiring authority and the employee hired by the</p> <p>21 hiring authority to know in writing what the</p> <p>22 expectations would be for each side. And so for</p> <p>23 clarity, and also I think to protect the county</p> <p>24 overall from random or haphazard claims by</p> <p>25 employees against the county, if they did not</p>	<p style="text-align: right;">Page 64</p> <p>1 fellow human being.</p> <p>2 And then it says: The county does not</p> <p>3 tolerate harassment of any kind and strictly</p> <p>4 forbids retaliation against anyone who has reported</p> <p>5 harassment in good faith.</p> <p>6 A. Yes. That's what it says.</p> <p>7 Q. And basically it's -- what we've talked</p> <p>8 about earlier, your efforts that we've talked about</p> <p>9 to protect your staff and your employees from some</p> <p>10 of Mr. Beckert's conduct were in effort to provide</p> <p>11 the working anti -- harassment-free environment to</p> <p>12 your employees?</p> <p>13 A. That's correct. That's just sound --</p> <p>14 sound management.</p> <p>15 Q. Because what -- what Mr. Beckert's</p> <p>16 conduct, as you observed, would -- rose to the</p> <p>17 level of what one would describe as harassment</p> <p>18 within this definition?</p> <p>19 MR. J. ANDERSON: Objection.</p> <p>20 THE WITNESS: Are you asking me whether</p> <p>21 or not Mr. Beckert violated this provision as</p> <p>22 written in the employee handbook?</p> <p>23 BY MR. CROSBY:</p> <p>24 Q. That's another way of saying it.</p> <p>25 A. I would have to say I agree with that</p>
<p style="text-align: right;">Page 63</p> <p>1 follow the handbook, then they have no real</p> <p>2 position to argue.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q. And --</p> <p>5 A. So, if they violated procedure, we had</p> <p>6 the ability to process them through the conditions</p> <p>7 and the grievance procedures defined in this book.</p> <p>8 Q. And one of the purposes of the -- some</p> <p>9 of the language in the handbook is to provide a</p> <p>10 good working environment by prohibiting such things</p> <p>11 as sexual harassment?</p> <p>12 A. Yes.</p> <p>13 Q. That's something that was strictly</p> <p>14 forbidden by the county?</p> <p>15 A. Appropriate behavior.</p> <p>16 Q. If we look at Page 6 at Paragraph 1.3,</p> <p>17 it has an anti-harassment policy set forth there.</p> <p>18 A. Page 6, 1.3, yes.</p> <p>19 Q. And in the second sentence, it says:</p> <p>20 In addition to county endeavors to provide a</p> <p>21 working environment in which employees are free</p> <p>22 from discomfort or pressure resulting from jokes,</p> <p>23 ridicule, slurs, gossip, threats, bullying,</p> <p>24 harassment whether relating to such distinctions or</p> <p>25 simply resulting from a lack of consideration for a</p>	<p style="text-align: right;">Page 65</p> <p>1 assessment.</p> <p>2 Q. And what you did to the best of your</p> <p>3 ability was try to protect the county's employees</p> <p>4 from that type of environment?</p> <p>5 A. Yes.</p> <p>6 Q. And you actually tried to -- in some</p> <p>7 respects to -- to help protect Maria Walls from</p> <p>8 that conduct by putting up the cameras and taking</p> <p>9 the concerns to county council?</p> <p>10 A. Yes.</p> <p>11 MR. J. ANDERSON: Objection.</p> <p>12 BY MR. CROSBY:</p> <p>13 Q. Go over to page -- let me -- let me ask</p> <p>14 something before this. There is always this issue</p> <p>15 about Jim Beckert that seems to permeate, and that</p> <p>16 is that no one could do anything about him because</p> <p>17 he was an elected official. That was -- and you</p> <p>18 and I have talked about that, that you didn't have</p> <p>19 statutory authority to control an elected official,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. The office of the auditor and the</p> <p>23 treasurer are in county-owned property?</p> <p>24 A. Beg your pardon?</p> <p>25 Q. The offices of both the treasurer and</p>

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<p style="text-align: right;">Page 66</p> <p>1 the auditor are located in county-owned property?</p> <p>2 A. Yes.</p> <p>3 Q. And I take it the county provides a</p> <p>4 budget for their offices?</p> <p>5 A. County council does the appropriation</p> <p>6 for each of the units.</p> <p>7 Q. Was there ever any discussion while you</p> <p>8 were employed with the county about separating the</p> <p>9 offices or moving Jim Beckert's office to another</p> <p>10 location?</p> <p>11 A. Well, we had discussions because we</p> <p>12 were locating satellite offices and had satellite</p> <p>13 offices for both the auditor, treasurer, and other</p> <p>14 functions on Hilton Head. We remodeled one stop</p> <p>15 for the Bluffton South of the Broad office. But I</p> <p>16 did not engage -- I did not suggest moving</p> <p>17 Mr. Beckert out of his main office as a result</p> <p>18 of -- of these matters.</p> <p>19 Q. Page 8, Paragraph 1.6.</p> <p>20 A. Page 8. Okay. What paragraph?</p> <p>21 Q. 1.6.</p> <p>22 A. All right.</p> <p>23 Q. And this -- point you to that second</p> <p>24 sentence there where it says: Non-employees may be</p> <p>25 reported to appropriate law enforcement, which you</p>	<p style="text-align: right;">Page 68</p> <p>1 or sick as a regular employee. There is a separate</p> <p>2 category for elected officials in my opinion. I</p> <p>3 don't know whether it's defined by statute. But he</p> <p>4 is not considered a regular employee for this</p> <p>5 personnel handbook.</p> <p>6 BY MR. CROSBY:</p> <p>7 Q. He signed a copy, didn't he?</p> <p>8 A. He signed -- all the elected officials</p> <p>9 sign these copies to accept the handbook as a tool</p> <p>10 for new hires in terms of defining the</p> <p>11 relationships between the hiring authority and the</p> <p>12 employee.</p> <p>13 Q. Do you have any understanding as -- as</p> <p>14 to whether Mr. Beckert currently is allowed in the</p> <p>15 county building?</p> <p>16 A. Well, I don't have any direct</p> <p>17 knowledge, but I have received a few phone calls</p> <p>18 that he has been moved to another location.</p> <p>19 Q. And -- and I guess that's what I was</p> <p>20 getting at. I mean, council apparently took that</p> <p>21 step and made that decision currently, and that</p> <p>22 was -- all this was just directed as whether or not</p> <p>23 that had ever come up in your tenure about moving</p> <p>24 him?</p> <p>25 A. No. Not to remove him from his office</p>
<p style="text-align: right;">Page 67</p> <p>1 did that, and I believe Mr. -- Ms. Walls may have</p> <p>2 done that over time. And it says that and/or</p> <p>3 barred from the premises.</p> <p>4 Do you have -- and what you're telling</p> <p>5 me is that never was a discussion between you and</p> <p>6 council to your recollection as to whether</p> <p>7 Mr. Beckert could be moved and barred from the</p> <p>8 premises over in Ribaut Road?</p> <p>9 A. Well, two things: One, this particular</p> <p>10 paragraph I would question as to whether it applies</p> <p>11 to an elected official or not. And in that sense,</p> <p>12 to answer your question directly, I did not have</p> <p>13 any discussions regarding removal of Mr. Beckert</p> <p>14 from any of his offices to someplace else as a</p> <p>15 result of these discussions we're having here.</p> <p>16 Q. Well, it has two categories of people,</p> <p>17 either employees or non-employees?</p> <p>18 A. Right.</p> <p>19 Q. And Mr. Beckert, what you told me, is</p> <p>20 not an employee?</p> <p>21 MR. J. ANDERSON: Objection.</p> <p>22 THE WITNESS: In my interpretation,</p> <p>23 Mr. Beckert is an elected official and not an</p> <p>24 employee in the sense that he's required to work a</p> <p>25 40-hour week, that he's required to accrue vacation</p>	<p style="text-align: right;">Page 69</p> <p>1 location.</p> <p>2 Q. And the county owns the building and</p> <p>3 controls the building, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And presumably since they've done it</p> <p>6 now, had council wanted to take that action when</p> <p>7 you first brought these complaints to their</p> <p>8 attention, they could have done so?</p> <p>9 MR. BUYCK: Note my objection.</p> <p>10 MR. J. ANDERSON: Objection.</p> <p>11 MR. BUYCK: In a matter of law.</p> <p>12 THE WITNESS: Well, I suppose they</p> <p>13 could have. I don't know if it was offered as a</p> <p>14 solution.</p> <p>15 BY MR. CROSBY:</p> <p>16 Q. That -- it would be council that would</p> <p>17 have to make that decision, correct? It wouldn't</p> <p>18 be --</p> <p>19 A. It's not me.</p> <p>20 Q. You wouldn't have that power?</p> <p>21 A. Huh-uh. Maybe the governor.</p> <p>22 Q. And with regard to the employees, there</p> <p>23 is certain rules set out in here about conduct and</p> <p>24 a lot of other stuff, but how employees are to</p> <p>25 conduct themselves as county employees. And there</p>

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1 is also expectations that the county is going to
 2 endeavor to provide that nonhostile,
 3 harassment-free workplace for the employees --
 4 A. Yes.
 5 Q. -- correct?
 6 It's a two-way street there. Employees
 7 are expected to not harass people, and if the
 8 county sees it, the county is expected to take
 9 action to protect those employees?
 10 A. There is multiple facets of conduct
 11 required by a public employee. First and foremost,
 12 they have to treat the public under the same
 13 conditions in terms of respect and appropriate
 14 behavior. You can't swear at an employee or a
 15 taxpayer just because he disagrees with the amount
 16 on his tax bill. There is proper conduct that way.
 17 There is also parameters that -- in
 18 this handbook as to how employee-to-employee
 19 conduct should be entertained in the workplace,
 20 just to protect not only from sexual harassments,
 21 but in terms of providing a workplace where people
 22 can feel safe as an employee, be able to conduct
 23 their business with fellow employees without having
 24 to worry about interference from another individual
 25 who may disagree or just don't like the clothes

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1 you're wearing that day.
 2 And so this handbook was recommended by
 3 outside counsel to create a standard for both
 4 employee and employer to follow so that there would
 5 be a clear understanding that if there was a breach
 6 on anyone's part, there was a basis for either
 7 dismissal or discipline, whatever was deemed
 8 appropriate based on the grievance or the poor
 9 conduct.
 10 Q. What you're telling me in a -- in a
 11 broad sense, sort of long answer is that this is
 12 the expectation for anyone in county -- on county
 13 property, whether it be the public or employees or
 14 anyone else, that this was expected -- was intended
 15 to provide as a guidance for behavior, period?
 16 MR. J. ANDERSON: Objection.
 17 MR. BUYCK: Same objection.
 18 THE WITNESS: Yes. And it's also -- it
 19 was designed to help -- you know, an elected
 20 official, you don't have to be a manager of an
 21 employee, you don't have any qual -- real
 22 qualifications to hold public office, all except is
 23 you have to win the most popular vote. So there is
 24 no assumption for me as a -- or from a county
 25 administrator that because you get elected, you

Page 72

1 automatically have all the knowledge and
 2 intelligence and experience to manage and conduct
 3 employees or procedures.
 4 And so it's a handbook, not only for
 5 the employees you hire, but it's also a handbook
 6 for the elected official or hiring authority to
 7 understand and know those rules as well because an
 8 elected official just comes from the general
 9 population. There are no, quote/unquote,
 10 requirements that you have to be in business or
 11 have a certain degree. If you have the right age
 12 and you're a resident, you probably can run for any
 13 position. So it's -- it's designed to help both
 14 parties -- all parties, actually.
 15 BY MR. CROSBY:
 16 Q. Were you ever asked by any of the
 17 council members to resolve any of these issues
 18 related to Jim Beckert in his favor one way or the
 19 other?
 20 A. Could you repeat the question, please?
 21 Q. Were you ever asked to resolve any of
 22 the issues that would come up about Jim Beckert in
 23 a -- in a fashion that was favorable to him?
 24 A. There were several times where a
 25 conflict would exist with Mr. Beckert and Maria or

Page 73

1 Mr. Beckert and IT, and council would ask me in
 2 terms of my responsibilities and duties as county
 3 administrator to help resolve the issue, which I
 4 did try to do. But as I was reminded by
 5 Mr. Beckert, that he is an auditor under a separate
 6 chapter of the South Carolina code of law and that
 7 his duties and responsibilities are defined by
 8 that, and that I have no real ability to instruct
 9 him or order him or advise him as to what conduct
 10 would be appropriate for his office.
 11 But council did ask, as anyone would
 12 in -- as a reasonable person, look, let's get the
 13 issue on the table, let's expose our differences,
 14 and let's come to a solution so that, you know, a
 15 product is produced for the taxpayer.
 16 Q. Did any individual councilman ever ask
 17 you to side with Beckert or, you know, try to --
 18 with regard to any of these conflicts?
 19 A. I don't -- I don't -- to answer your
 20 question with the word side, I think they're smart
 21 enough -- I think councilmen basically in these
 22 public meetings would encourage -- I would rather
 23 use the encourage -- to take a look at
 24 Mr. Beckert's arguments and determine whether or
 25 not any facets of his arguments had merit, and

19 (Pages 70 - 73)

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Ex. 3
Beaufort County Adopts Testimony:
Correspondence RE Adopting Testimony

BUYCK LAW FIRM, LLC

ATTORNEYS & COUNSELORS AT LAW

305 WINGO WAY
P.O. BOX 2424
MT. PLEASANT, SC 29465-2424

TELEPHONE: (843) 377-1400
FAX (843) 284-8105
E-MAIL: HWB@BUYCKFIRM.COM

Hugh W. Buyck
G. Wade Cooper

George B. Smythe, Jr.
Jeffrey H. Lappin

January 20, 2023

Via Email Only

Chelci S. Avant, Esq.
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
101 Mulberry Street East
Hampton, SC 29925

Re: Alicia Holland v Beaufort County and James Beckert, Individually and in His Official Capacity
C/A: 9:20-cv-03479-DCN-MHC (Federal District Court)
BLF File No.: 12.42

Dear Chelci:

We have considered the various "attempts to clarify topics." relative to your 30(b)(6) deposition notice. While I do not believe that these streamline the issues as set forth by Judge Cherry's rulings, we do not take issue with any of the testimony you have set forth. We agree that pursuant to Rule 30(b)(6) that the designated matters are those on which these witnesses will testify as either current or prior members of Beaufort County council, or in their role as the county administrator(s). By doing so, we do not waive any of the legal oppositions relative to Mr. Beckert not being an employee of the county, but rather a constitutional officer of the state of South Carolina.

Although cancelled by you on a prior occasion, we continue to have our IT and Personnel 30(b)(6) witnesses available. Should you still desire to go forth with these, please let us know as everyone's calendars are busy and we need to get these on the books.

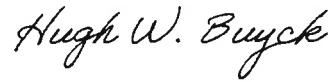
In regards to the mediation, my client has suggested Carrie Fox as a potential mediator. I have not had an opportunity to run this by J.J. Anderson or whether he has any additional suggestions. Also, can't recall your providing a suggested mediator, but we're certainly amenable to mediation. We just need to get this on the books. Let's all get together on a conference call in the near future to further discuss.

BUYCK LAW FIRM, LLC

January 20, 2023

With kind regards,

Yours truly,

A handwritten signature in black ink that reads "Hugh W. Buyck". The signature is written in a cursive style with a large, stylized 'H' and 'B'.

Hugh W. Buyck

HWB: aeh

cc: J.J. Anderson, Esq.
Jonathan Anderson, Esq.

Chelci Avant

From: Chelci Avant
Sent: Tuesday, January 17, 2023 9:41 AM
To: Hugh W. Buyck
Cc: Ronnie L. Crosby; Casey M. Gore; Rebecca E. Gardner; Athena Hodge; George Smythe; Jonathan L. Anderson; JJ Anderson
Subject: RE: Holland v. Beaufort Co. & Jim Beckert
Attachments: RULE 11 LTR.pdf

Hugh –

Please see the attached letter with exhibits

(<https://www.dropbox.com/scl/fo/28jwakti8zhc0cvfzjyht/h?dl=0&rlkey=xp5i4d5wj5rxailc7nvl40lsf>)

Thanks,



Chelci S. Avant
Attorney

📞 [803.903.1787](tel:803.903.1787)

☎ [843.908.3132](tel:843.908.3132)

🌐 parkerlawgroupsc.com

✉ cavant@parkerlawgroupsc.com

📍 [101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924](#)



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From: Chelci Avant
Sent: Friday, January 13, 2023 3:28 PM
To: 'Hugh W. Buyck' <HWB@Buyckfirm.com>
Cc: Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>; 'Athena Hodge' <Athena@Buyckfirm.com>; 'George Smythe' <George@buyckfirm.com>
Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh –

Do we need to contact Judge Cherry for a telephone conference to get this resolved? I plan on emailing her Monday if we have not received a response.

Thanks,



Chelci S. Avant
Attorney

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From: Chelci Avant

Sent: Friday, January 6, 2023 7:54 AM

To: 'Hugh W. Buyck' <HWP@Buyckfirm.com>

Cc: Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>; 'Athena Hodge' <Athena@Buyckfirm.com>; 'George Smythe' <George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh –

At yesterday's status conference Judge Cherry stated we need to resolve the 30(b)(6) issues. Please confirm that Beaufort County agrees to adopt the testimony we've provided in the emails below by COB Monday, January 9th. Thanks,



Chelci S. Avant
Attorney

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Please note my new email address and other contact information contained in my signature. Thanks.

From: Chelci Avant

Sent: Wednesday, December 28, 2022 12:51 PM

To: 'Hugh W. Buyck' <HWB@Buyckfirm.com>

Cc: Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>; Athena Hodge <Athena@Buyckfirm.com>; George Smythe <George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh –

To clarify, does the county agree to be bound by the testimony I've listed below?

Also, Judge Cherry did state that I could provide proposed testimony to the County if testimony was applicable to the disputed topics in lieu of fine-tuned topics.

While I appreciate your timely response this morning, I do not appreciate your mischaracterization of our communications. Attached are two email threads that show I have been very responsive and have often followed-up on the 30(b)(6) topic testimony sent to you on **October 17th**. I do recall you being in trial for one (1) week during these communications, but please do not overlook that the testimony was sent to you over two (2) months ago.

Thanks,



Chelci S. Avant
Attorney

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Please note my new email address and other contact information contained in my signature. Thanks.

From: Hugh W. Buyck <HWB@Buyckfirm.com>

Sent: Wednesday, December 28, 2022 11:23 AM

To: Chelci Avant <cavant@parkerlawgroupsc.com>

Cc: Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>; Athena Hodge <Athena@Buyckfirm.com>; George Smythe <George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

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Dear Chelci,

As we discussed last week, we will stand by the responses of the various deposition transcripts you provided. We still believe, though, that the topics are overly broad and not reasonably tailored, including the examples you provided. Many are duplicative and others are not particular.

This is especially true in regards to the multiple conclusory assertions within the Complaint. For instance, many allegations refer specifically to conduct by Beckert for which only he would have knowledge. As asserted throughout, Mr. Beckert is not a County employee but rather a State constitutional officer. Others do not specify a time or date of specific meetings and continually do not provide "reasonable particularity" as required by the Rule and Judge Cherry's rulings. She mentioned your providing "high level" questions that we can address rather than this listing which I don't think is reasonable in light of her ruling.

We have continued to offer Patrick Hill and Emily Stewart to address the IT and personnel issues set forth within the original topics of 1-4 and 9-11. Should you like to move forth on these, we are happy to try and accommodate.

Through our email chains, we have tried to reply to your inquiries and both have busy schedules. Many times I've offered a time without a reply. Others, I've been in trial or deposition so please don't make bold statements of us not being cooperative as we both work through these issues. I welcome more specific topics as contemplated by Judge Cherry's ruling.

I will be out of the office the balance of this Holiday week and return on Tuesday.

With kind regards,

Hugh W. Buyck
Buyck Law Firm, LLC
305 Wingo Way
PO Box 2424
Mount Pleasant, SC 29464
Work: 843.377.1400
Cell: 843.224.2791

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Sent: Wednesday, December 28, 2022 9:41 AM

To: Hugh W. Buyck <HWP@Buyckfirm.com>

Cc: Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>; Athena Hodge <Athena@Buyckfirm.com>; George Smythe <George@buyckfirm.com>

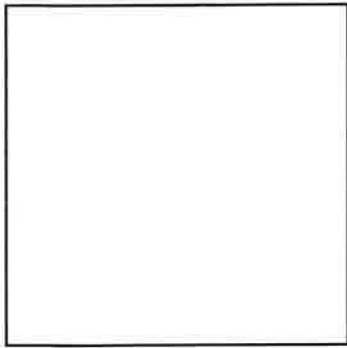
Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh –

We have been more than patient. I sent you the topics with proposed testimony (per Judge Cherry's request) on October 17th. To date, we have not received a response from you.

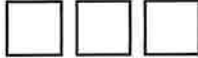
If we do not have your responses by noon on Friday, we'll let Judge Cherry know we need to discuss the 30(b)(6) topics in the upcoming status conference.

Thanks,



Chelci S. Avant
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Sent: Tuesday, December 27, 2022 10:07 AM

To: Hugh W. Buyck <HWB@Buyckfirm.com>

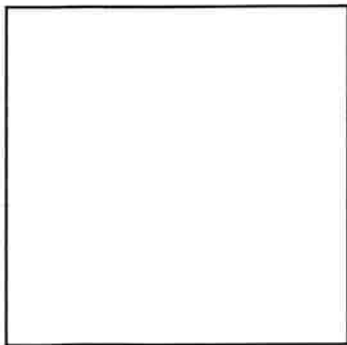
Cc: Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>; Athena Hodge <Athena@Buyckfirm.com>; George Smythe <George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh –

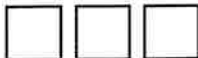
Just following up on the email below. We were supposed to receive your response last week.

Thanks,



Chelci S. Avant
Attorney

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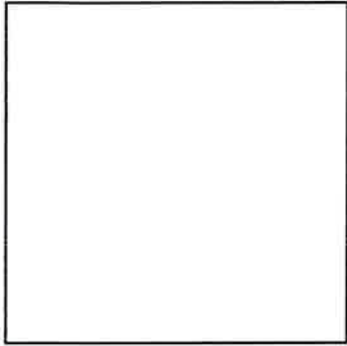


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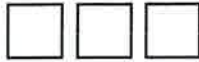
■

From: Chelci Avant
Sent: Friday, December 16, 2022 10:39 AM
To: Hugh W. Buyck <HWB@Buyckfirm.com>
Subject: FW: Holland v. Beaufort Co. & Jim Beckert



Chelci S. Avant
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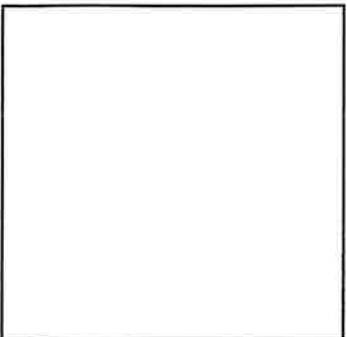
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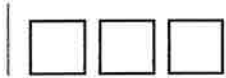
From: Chelci Avant
Sent: Wednesday, November 9, 2022 12:45 PM
To: 'Hugh W. Buyck' <HWB@Buyckfirm.com>; 'George Smythe' <George@buyckfirm.com>
Cc: 'Athena Hodge' <Athena@Buyckfirm.com>; 'Jonathan L. Anderson' <landerson@arlawsc.com>; 'JJ Anderson' <janderson@arlawsc.com>; 'Molly C. Jankowski' <mjankowski@arlawsc.com>; Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>
Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh –
Just following up on this. It's been several weeks.
Thanks,



Chelci S. Avant
Attorney

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From: Chelci Avant
Sent: Monday, October 17, 2022 3:19 PM
To: Hugh W. Buyck <HWB@Buyckfirm.com>; George Smythe <George@buyckfirm.com>
Cc: Athena Hodge <Athena@Buyckfirm.com>; Jonathan L. Anderson <landerson@arlawsc.com>; JJ Anderson <janderson@arlawsc.com>; Molly C. Jankowski <mjankowski@arlawsc.com>; Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>
Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh,

Below is my attempt to clarify topics. I've also listed testimony by County employees – this testimony addresses questions within each topic should The County choose to designate this testimony as its own rather than prepare a representative as to the information contained in each deposition designation. However, these deposition designations do not represent The County's testimony and/or knowledge as a whole – in accordance with Judge Cherry's order, please review these topics and designations, and we'll schedule a phone conference to discuss. Even with the deposition designations, we still may need to depose The County on specific topics.

Topic 5: The allegations contained in Plaintiff's Complaint.

We plan to ask The County about the following paragraphs in Plaintiff's Complaint:

- 15
- 19
- 22
- 23
- 24
- 25
- 29
- 39
- 42
- 72
- 75
- 76
- 77
- 79
- 81
- 82

Topic 6: Instances of harassment involving Beckert.

We plan to question a representative on instances described in Alicia Holland's Complaint as well as Maria Walls's Complaint. This topic also encompasses instances provided via discovery responses and/or deposition testimony (including Alicia Holland's and Maria Walls's).

Testimony of County Employees:

- Sommerville:
 - 6:1 – 6:16
 - 10:7 – 10:13
 - 17:14 – 17:17
 - 18:20 – 18:24
 - 23:20 – 24:12
 - 24:25 – 25:3
 - 28:19 – 28:22
- Kubik:
 - 14:19 – 15:11
 - 16:23 – 17:9
 - 19:15 – 20:6
 - 21:12 – 21:15
 - 22:9 – 22:22
 - 37:13 – 38:5
 - 50:4 – 50:8
 - 51:10 – 51:14
 - 120:7 – 120:17
 - 125:17 – 126:7
- Gregory:
 - 13:8 – 13:16
 - 13:20 – 14:9
 - 15:10 – 15:24
 - 16:4 – 16:17
 - 19:11 – 19:19
 - 34:5 – 34:16

Topic 7: Instances of bullying involving Beckert.

We plan to question a representative on instances described in Alicia Holland's Complaint as well as Maria Walls's Complaint. This topic also encompasses instances provided via discovery responses and/or deposition testimony (including Alicia Holland's and Maria Walls's).

Testimony of County Employees:

- Sanders:
 - 10:5 – 10:15
 - 11:5 – 11:17
- Kubik:
 - 37:13 – 38:5

Topic 8: Instances of inappropriate behavior involving Beckert.

We plan to question a representative on instances described in Alicia Holland's Complaint as well as Maria Walls's Complaint. This topic also encompasses instances provided via discovery responses and/or deposition testimony (including Alicia Holland's and Maria Walls's).

Testimony of County Employees:

- Keaveny:
 - 22:15 – 23:1
 - 48:2 – 51:17
 - 92:24 – 93:5
- Sanders:
 - 9:18 – 10:1
 - 21:8 – 21:13
- Sommerville:

- 6:1 – 6:16
- 7:23 – 8:2
- 9:16 – 9:18
- 10:7 – 10:13
- 17:14 – 17:17
- 18:20 – 18:24
- 23:20 – 24:12
- 24:25 – 25:3
- Kubik:
 - 8:12 – 8:16
 - 13:12 – 13:22
 - 14:4 – 15:11
 - 16:23 – 17:9
 - 19:15 – 20:6
 - 21:12 – 21:15
 - 37:13 – 38:5
 - 40:21 – 42:2
 - 50:4 – 50:8
 - 51:10 – 51:14
 - 53:7 – 53:24
 - 54:17 – 55:7
 - 64:20 – 65:5
 - 118:1 – 118:7
 - 120:7 – 120:17
 - 122:1 – 122:24
 - 125:17 – 126:7
- Gregory:
 - 34:5 – 34:16
 - 35:2 – 35:5
 - 37:2 – 37:6

Topic 12: The role of County Council over the day-to-day operation of The County.

We essentially want to know what, if any, role The County has over the day-to-day operations of The County. Does County Council wholly rely on the Administrator? Does Council field complaints from employees? Does Council involve itself in the operations of different departments?

Testimony of County Employees:

- Flewelling:
 - 24:10 – 24:18
 - 25:2 – 26:16
- Keaveny:
 - 15:20 – 17:9
 - 20:3 – 20:4
- Sommerville:
 - 28:19 – 28:22
- Kubik:
 - 59:16 – 60:24
 - 61:10 – 63:12
 - 69:22 – 72:14

Topic 13: The role County Council over the Auditor's office and/or responsibilities.

We understand that this is laid out by statute, however, the actions of some Council members and testimony offered does not paint a clear picture. Does County Council interfere with the Auditor's office? Does Council members involve

themselves in the Auditor's accusations and/or presentations (see Hervochon's deposition)? Essentially, we'd like to ask a County representative how the statute differs from reality.

Testimony of County Employees:

- Keaveny:
 - 15:20 – 17:9
 - 20:3 – 20:4
- Kubik:
 - 45:13 – 45:22
 - 46:2 – 46:21
 - 55:8 – 57:5
 - 57:23 – 58:1
 - 59:16 – 60:24
 - 61:1 - - 63:12
 - 64:7 – 64:14
 - 69:22 – 72:14
- Gregory:
 - 29:19 – 30:3
 - 36:19 – 37:6
 - 37:24 – 38: 4
 - 39:18 – 40:4

Topic 14: The role of the Auditor in calculating The County's millage.

There seems to be some confusion as to whether Beckert has a roll in calculating The County's millage. We'd like to get a clear answer on that as well as go over instances involving Beckert's millage calculations and/or accusations and why they were entertained.

Testimony of County Employees:

- Sommerville:
 - 29:21 – 30:14
- Hervochon:
 - 10:22 – 11:8
- Keaveny:
 - 48:14 – 50:9
- Cadd:
 - 14:13 – 15:25

Topic 15: The relationship between County Council members and Beckert.

It's been alleged in Plaintiff's Complaint that Beckert has acted like a silent County Council member. We'd like to get The County's stance on its Council Members' relationships with Beckert, both professionally and personally.

Testimony of County Employees:

- Kubik:
 - 26:8 – 27:8
 - 55:8 – 57:5
 - 83:19 – 85:2
- Hervochon:
 - 10:3 – 10:9
 - 19:9 – 19:14

Topic 16: All litigation involving The County and Beckert.

If The County is willing to accept the testimony referenced below, then I believe we can cross this topic off of our list.

Testimony of County Employees:

- Keaveny:
 - 57:15 – 60:13

- 60:22 – 62:1
- Greenway:
 - 33:12 – 33:24

Topic 17: Control over County real and personal property and the identity of the person charged with the responsibility of ensuring said property is used in accordance with applicable policies and procedures.

In our Response to your Motion, we narrowed down this topic a bit – Plaintiff will inquire as to all real properties owned and/or controlled by The County that Beckert has and/or had an office, staff and/or frequented, we well as real properties which house an elected official's office. As to personal property, computer, Information Technology, mailroom and/or postage, websites, phone systems, etc. which both employees and elected officials have access to.

Testimony of County Employees:

- Keaveny:
 - 20:5 – 20:17
- Greenway:
 - 12:16 – 13:25
 - 73:17 – 74:18
- Sommerville:
 - 23:2 – 23:10
- Bechtold:
 - 11:3 – 11:20
- Kubik:
 - 58:5 – 58:13
 - 65:22 – 66:18
 - 69:2 – 69:14
- Gregory:
 - 18:14 – 18:18
 - 19:4 - 19:19
 - 39:1 – 40:4

Topic 18: Each action considered by The County in response to allegations concerning Beckert's conduct, including the specific action considered, the date of each consideration, and the identity of the person(s) involved in each consideration.

We'd like to know all courses of action considered by The County and/or County Council in response to Beckert's behavior. The deposition designations below discuss *some* courses of action considered by The County.

Testimony of County Employees:

- Keaveny:
 - 62:2 – 62:11
- Sommerville:
 - 13:22 – 14:17
 - 16:12 – 16:23
 - 21:11 – 21:23
 - 22:16 – 23:1
 - 23:5 – 23:10
 - 36:20 – 37:8
- Bechtold:
 - 11:3 – 11:20
 - 14:3 – 16:14
- Kubik:
 - 66:7 – 66:18
 - 68:19 – 69:1
 - 80:14 – 83:17
 - 89:24 – 90:3

- 90:23 – 90:25

Topic 19: Each action taken by The County in response to allegations concerning Beckert's conduct, including the specific action taken, the date each action was taken, and the identity of the person(s) involved in each action.

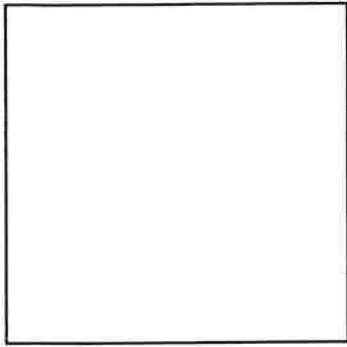
We'd like to know each action taken by The County and/or County Council in response to Beckert's behavior. The deposition designations below discuss *some* taken by The County.

Testimony of County Employees:

- Sanders:
 - 25:9 – 25:20
- Greenway:
 - 34:3 – 34:16
 - 36:8 – 37:3
 - 37:23 – 38:5
 - 39:9 – 39:17
 - 41:16 – 45:8
- Sommerville:
 - 11:5 – 11:14
 - 11:24 – 12:16
 - 16:12 – 16:23
 - 17:23 – 18:19
 - 21:11 – 21:23
 - 22:16 – 23:1
 - 32:12 – 33:7
- Bechtold:
 - 11:3 – 11:20
 - 14:3 – 16:14
- Kubik:
 - 11:9 – 11:15
 - 12:22 – 13:14
 - 15:8 – 15:21
 - 20:3 – 20:21
 - 23:5 – 23:17
 - 38:7 – 39:4
 - 4-:21 – 42:2
 - 57:23 – 58:1
 - 58:5 – 58:13
 - 64:7 – 64:14
 - 65:2 – 65:10
 - 68:19 – 69:14
 - 94:3 – 94:10
 - 136:5 – 137:4

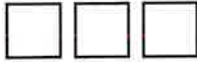
If we think of anything else, we'll send it your way.

Thanks,



Chelci S. Avant
Attorney

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To: Chelci Avant <cavant@parkerlawgroupsc.com>; George Smythe <George@buyckfirm.com>
Cc: Athena Hodge <Athena@Buyckfirm.com>; Jonathan L. Anderson <landerson@arslawsc.com>; JJ Anderson <janderson@arslawsc.com>; Molly C. Jankowski <mjankowski@arslawsc.com>; Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>
Subject: RE: Holland v. Beaufort Co. & Jim Beckert

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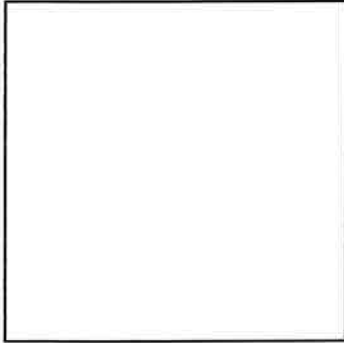
From: Chelci Avant <cavant@parkerlawgroupsc.com>
Sent: Thursday, October 13, 2022 4:03 PM

To: Hugh W. Buyck <HWB@Buyckfirm.com>; George Smythe <George@buyckfirm.com>
Cc: Athena Hodge <Athena@Buyckfirm.com>; Jonathan L. Anderson <landerson@arslawsc.com>; JJ Anderson <janderson@arslawsc.com>; Molly C. Jankowski <mjankowski@arslawsc.com>; Ronnie L. Crosby <RCrosby@parkerlawgroupsc.com>; Casey M. Gore <cgore@parkerlawgroupsc.com>; Rebecca E. Gardner <rgardner@parkerlawgroupsc.com>
Subject: Holland v. Beaufort Co. & Jim Beckert

Hugh & George:

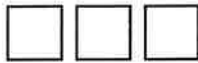
I'll get you updated topics (more specific) and testimony by Monday.

Thanks,



Chelci S. Avant
Attorney

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PARKER

January 17, 2023

Hugh W. Buyck (via email)
George B. Smythe, Jr. (via email)
BUYCK & SANDERS, LLC
305 Wingo Way
Post Office Box 2424
Mount Pleasant, SC 29465

RE: Alicia Holland v. Beaufort County and James Beckert
Case No.: 9:20-cv-03479-DCN-MHC

Hugh:

As you know, Judge Molly Cherry asked us to resolve the issue Beaufort County has with Plaintiff's 30(b)(6) topics. This request was made on October 5, 2022 during the status conference on this issue. At said conference, Judge Cherry stated that Plaintiff's counsel could either (1) re-draft fine-tuned topics OR (2) propose testimony of persons already deposed for Beaufort County to adopt as its own in lieu of providing duplicative testimony. In accordance with Judge Cherry's instructions, I emailed you clarified topics and a list of proposed testimony of Beaufort County employees. Exhibit A. Since October 17, 2022, the following has occurred:


- November 9, 2022: I emailed you to follow-up on the October 17, 2022 email containing clarified topics and a list of proposed testimony of Beaufort County employees as Plaintiff's counsel did not receive any response. Exhibit B.
- November 15, 2022: I emailed you to follow-up (again) on the October 17, 2022 email containing clarified topics and a list of proposed testimony of Beaufort County employees as Plaintiff's counsel did not receive any response from the October 17, 2022 email or the November 9, 2022 email. Exhibit C.
- November 17, 2022: You asked to speak via telephone. Exhibit D.
- November 28, 2022: We set a telephone call for December 1, 2022. Exhibit E.
- December 1, 2022: You failed to call my cell phone as agreed upon in Exhibit F.
- December 1, 2022: You asked to speak via telephone after your trial in Beaufort, SC. Exhibit G.
- December 7, 2022: I reached out to you to schedule the phone call. Exhibit H.
- December 15, 2022: I reached out to you to schedule the phone call. Exhibit I.

PARKER

- December 16, 2022: You and I spoke on the phone, during which you agreed to respond to my October 17, 2022 email by the end of the following week.
- December 27, 2022: I emailed you to follow-up on your response to the October 17, 2022 email. Exhibit J.
- December 28, 2022: I emailed you *again* to follow-up on a response to the October 17, 2022 email. Exhibit K.
- December 28, 2022: You responded to my December 28, 2022 email, stating the county would stand by the testimony provided in the October 17, 2022 email while objecting to the testimony all the same. You also argued that Plaintiff's counsel providing testimony did not comply with Judge Cherry's instructions, however, you acknowledged Plaintiff's counsel proposing testimony in an email on October 13, 2022. Exhibits L & M.
- December 28, 2022: I responded asking for clarification – "To clarify, does the county agree to be bound by the testimony I've listed below?" Exhibit N.
- January 5, 2023: A status conference was held before Judge Cherry. At said conference, Judge Cherry encouraged us to resolve the 30(b)(6) issue.
- January 6, 2023: I emailed you again asking for clarification. Exhibit O.
- January 13, 2023: I emailed you again asking for clarification and letting you know our next step would be to contact Judge Cherry. Exhibit P.

As you can see from the timeline above and the attached exhibits, Plaintiff's counsel has worked diligently to resolve *your* issues with our 30(b)(6) topics. Instead of your cooperation, we have received little to no response. Please confirm, in writing, that Beaufort County will be bound to the testimony detailed above (this testimony can also be found in Exhibit A) by 5:00 p.m. Friday, January 20, 2023. If no response is received, we will contact Judge Cherry for a status conference.

Sincerely,



Chelci S. Avant

/CSA

Enclosures.

cc: Ronnie L. Crosby (via email)
Jonathan L. Anderson (via email)
Jonathan J. Anderson (via email)

Ex. 3

**Beaufort County Adopts Testimony:
Topic 6: Instances of Harassment Involving Beckert**



Deposition of:
Suzanne D. Gregory

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions
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Suzanne D. Gregory
Holland, Aliciav. Beaufort County et al

April 7, 2021

<p style="text-align: right;">Page 10</p> <p>1 fairly familiar with them. It's been a while.</p> <p>2 Q. For example, is there a personnel</p> <p>3 handbook you're familiar with?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. What's your understanding of --</p> <p>6 of policies in the workplace, their purpose, and</p> <p>7 what they are?</p> <p>8 A. They help guide employees and, in some</p> <p>9 cases, management in knowing what they are supposed</p> <p>10 to do and not supposed to do and how certain</p> <p>11 procedures are handled. So it provides guidance.</p> <p>12 Q. Guidance on acceptable behavior in the</p> <p>13 workplace?</p> <p>14 A. In addition to other things, yes.</p> <p>15 Q. Would policies and procedures also set</p> <p>16 the standard for employees?</p> <p>17 A. To some extent, yes.</p> <p>18 Q. Do policies and procedures also let</p> <p>19 employees know where to turn to for help?</p> <p>20 A. I believe so. Yes, ma'am.</p> <p>21 Q. And when I say turn to for help, I</p> <p>22 mean, you know, do they go to their immediate</p> <p>23 supervisor, do they go to human resources, what</p> <p>24 type of paperwork would be filled out, that sort of</p> <p>25 thing; kind of the procedural side of an issue.</p>	<p style="text-align: right;">Page 12</p> <p>1 employees, assisting department heads with issues</p> <p>2 they had, answering employee questions, open</p> <p>3 enrollment, dealing with various benefit vendors.</p> <p>4 That's what I can think of off the top of my head.</p> <p>5 Q. Okay. And sounds like you had a lot --</p> <p>6 a lot you were responsible for, so I won't take</p> <p>7 that as an exhaustive list.</p> <p>8 A. Thank you.</p> <p>9 Q. So based off what you just said, you</p> <p>10 would -- you would answer employee questions?</p> <p>11 A. That was part of my job, yes.</p> <p>12 Q. And would those questions oftentimes be</p> <p>13 about different policies within Beaufort County?</p> <p>14 A. Yes. It could be various. That --</p> <p>15 that would be one of the types of questions, yes.</p> <p>16 Q. All right. Open up that handbook to</p> <p>17 Page 6. Under the introduction heading, the second</p> <p>18 paragraph that starts with: Our success as a</p> <p>19 county.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Why don't you read that for the record,</p> <p>22 please?</p> <p>23 A. Our success as a county is built upon</p> <p>24 recognition of the skills and efforts made by each</p> <p>25 employee, and our policy is to work with all</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I don't recall the details in the</p> <p>2 handbook, but I believe there would be some</p> <p>3 guidance in there.</p> <p>4 Q. Okay. I've got the handbook here for</p> <p>5 you. And let's mark that as Exhibit 1.</p> <p>6 (PLF. EXHIBIT 1, Beaufort County</p> <p>7 Personnel Handbook, was marked for identification.)</p> <p>8 MR. BUYCK: Thank you. There you go.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 BY MS. AVANT:</p> <p>11 Q. Do you recognize this personnel</p> <p>12 handbook?</p> <p>13 A. Yes.</p> <p>14 Q. Is this the handbook that was</p> <p>15 distributed during your time as director of human</p> <p>16 resources for Beaufort County?</p> <p>17 A. Yes.</p> <p>18 Q. Now, as director of human resources,</p> <p>19 before we get into this handbook, what were your</p> <p>20 job duties?</p> <p>21 A. There were quite a few of them, but</p> <p>22 generally speaking, I oversaw the human resources</p> <p>23 department which handled benefits, compensation</p> <p>24 matters, policy interpretation, the timekeeping</p> <p>25 system, different programs that we had for</p>	<p style="text-align: right;">Page 13</p> <p>1 members of this team in a professional manner and</p> <p>2 treat each team member with dignity and respect.</p> <p>3 Q. All right. And -- and this personnel</p> <p>4 handbook, as a policy of Beaufort County, was --</p> <p>5 was endorsed by county administration?</p> <p>6 A. Yes.</p> <p>7 Q. And at the bottom of Page 6, there is</p> <p>8 an anti-harassment policy. What's your</p> <p>9 understanding of the anti-harassment policy?</p> <p>10 A. That as an -- as an entity we don't</p> <p>11 tolerate harassment from employees, management,</p> <p>12 that the workplace should be free of any -- any</p> <p>13 type of harassment.</p> <p>14 Q. And would that include sexual</p> <p>15 harassment?</p> <p>16 A. Yes.</p> <p>17 Q. And I believe sexual harassment is</p> <p>18 addressed on the next page there, Page 7.</p> <p>19 A. Okay.</p> <p>20 Q. And under sexual harassment, it defines</p> <p>21 it as unwelcome sexual advances, requests for</p> <p>22 sexual favors and other physical, verbal, or visual</p> <p>23 conduct based on sex constitutes sexual harassment</p> <p>24 when -- and then they -- they name off a couple of</p> <p>25 examples.</p>

4 (Pages 10 - 13)

Suzanne D. Gregory
Holland, Aliciav. Beaufort County et al

April 7, 2021

<p style="text-align: right;">Page 14</p> <p>1 And the last example is: The conduct</p> <p>2 has the purpose or effect of unreasonably</p> <p>3 interfering with a individual's work performance or</p> <p>4 creating an intimidating, hostile, or offensive</p> <p>5 work environment.</p> <p>6 Is that your understanding of sexual</p> <p>7 harassment?</p> <p>8 A. Yes. That -- that's one of the</p> <p>9 criteria, yes.</p> <p>10 Q. And the next section there, Section</p> <p>11 1.5, the complaint procedure and investigation, is</p> <p>12 part of that proper procedure to report an incident</p> <p>13 to the human resources director?</p> <p>14 A. Yes.</p> <p>15 Q. And did you often receive complaints of</p> <p>16 sexual harassment from Beaufort County employees?</p> <p>17 MR. BUYCK: Note my objection.</p> <p>18 You can answer.</p> <p>19 BY MS. AVANT:</p> <p>20 Q. You still answer.</p> <p>21 A. Oh, I'm sorry. Not often. I'm -- I'm</p> <p>22 trying to remember if -- if I received any that</p> <p>23 were characterized as sexual harassment. But it</p> <p>24 certainly was not often, no.</p> <p>25 Q. Would a complaint have to be</p>	<p style="text-align: right;">Page 16</p> <p>1 corrective action, I want you to read that first</p> <p>2 paragraph for me. If management concludes, is how</p> <p>3 it begins.</p> <p>4 A. If management concludes that a</p> <p>5 complaint of harassment has merit, appropriate</p> <p>6 action is taken. Employees may be disciplined.</p> <p>7 Non-employees may be reported to the appropriate</p> <p>8 law enforcement agency and/or barred from the</p> <p>9 premises.</p> <p>10 Q. What is your understanding of a</p> <p>11 non-employee?</p> <p>12 A. That could be anyone who is not</p> <p>13 employed by Beaufort County. That could be a</p> <p>14 customer, a vendor, anyone who is not on the county</p> <p>15 employee roster.</p> <p>16 Q. Could it be an elected official?</p> <p>17 A. It could be, yes.</p> <p>18 Q. The next little portion there that is</p> <p>19 under the heading important, it says: Complaints</p> <p>20 made to members of management or to the human</p> <p>21 resources director -- excuse me -- involve the</p> <p>22 completion of a written complaint report.</p> <p>23 A. I'm sorry. Where are you?</p> <p>24 Q. Underneath corrective action --</p> <p>25 A. And that --</p>
<p style="text-align: right;">Page 15</p> <p>1 characterized as sexual harassment to be -- to be</p> <p>2 investigated as sexual harassment? And what I mean</p> <p>3 by that is would the complainant have to come in</p> <p>4 and use the term sexual harassment for you as the</p> <p>5 director of human resources to take that complaint</p> <p>6 and investigate it as a sexual harassment issue?</p> <p>7 A. No. It -- it would depend on the</p> <p>8 conversation I had with the employee to determine</p> <p>9 if it fell under the sexual harassment category.</p> <p>10 Q. All right. And the last paragraph</p> <p>11 there, it says: Every harassment allegation is</p> <p>12 investigated.</p> <p>13 What type of investigative measures are</p> <p>14 taken by you?</p> <p>15 A. Depending on the claim, typically</p> <p>16 speaking, we would get a statement from the person</p> <p>17 who is alleging the harassment, we would get a list</p> <p>18 of anybody that they indicated would be witnesses</p> <p>19 to that harassment, we would get statements from</p> <p>20 those witnesses, we would certainly talk to the</p> <p>21 person who had been alleged to -- to harass; and</p> <p>22 review all the information, the who, what, when,</p> <p>23 why, how, and make a determination and get with</p> <p>24 administration on how to move forward.</p> <p>25 Q. The next page there, Number 8, under</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. -- there is a --</p> <p>2 A. Oh, okay.</p> <p>3 Q. -- a bold: Important.</p> <p>4 A. Okay.</p> <p>5 Q. And it's basically just saying that any</p> <p>6 complaint made to you would be documented in a</p> <p>7 written complaint report. Is that your</p> <p>8 understanding of the procedure you're supposed to</p> <p>9 take as human resources director?</p> <p>10 MR. BUYCK: Note my objection.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. AVANT:</p> <p>13 Q. So any complaint that's brought to you</p> <p>14 is documented in a -- in a written report?</p> <p>15 A. Uh-huh. Yes.</p> <p>16 Q. And where are those reports kept?</p> <p>17 A. At this time, I don't know. I haven't</p> <p>18 been there for over a year.</p> <p>19 Q. Do you recall where they were kept when</p> <p>20 you were there?</p> <p>21 A. They would have -- any report made</p> <p>22 would have either been on the hard drive, the</p> <p>23 county network, I guess, or in a legal file in my</p> <p>24 office.</p> <p>25 Q. Are written complaints placed in</p>

5 (Pages 14 - 17)

Suzanne D. Gregory
Holland, Aliciav. Beaufort County et al

April 7, 2021

<p style="text-align: right;">Page 18</p> <p>1 personnel files of those involved?</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. What is your understanding of the</p> <p>4 computer acceptable use policy?</p> <p>5 A. As -- as I can remember it, it was not</p> <p>6 to be used for personal use, to view any obscene</p> <p>7 material. It was a lengthy policy. That's the two</p> <p>8 things I can remember right off.</p> <p>9 Q. Okay. And I apologize for not</p> <p>10 mentioning this first. I believe a version of this</p> <p>11 policy begins on Page 58 --</p> <p>12 A. Okay.</p> <p>13 Q. -- if you want to flip to that.</p> <p>14 Is it your understanding that all</p> <p>15 network systems, computers, e-mail addresses,</p> <p>16 issued cell phones, phone systems, letterhead all</p> <p>17 belong to Beaufort County?</p> <p>18 A. Yes.</p> <p>19 Q. And on Page 59, there is a heading that</p> <p>20 says: Scope. What's your understanding of the</p> <p>21 scope of this policy?</p> <p>22 A. Well, pretty much as its written here,</p> <p>23 to -- to ensure that it's used for business</p> <p>24 purposes and to protect the county and employees.</p> <p>25 Q. And -- and under Scope it lists out a</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And -- and just off the top of your</p> <p>2 head, do -- can you give me some examples of the</p> <p>3 type of training that Beaufort County wanted its</p> <p>4 employees to receive? And I understand some of it</p> <p>5 may be job-specific. I'm --</p> <p>6 A. Right.</p> <p>7 Q. I'm looking more for -- for something</p> <p>8 that every employee should have to take.</p> <p>9 A. There was harassment training, sexual</p> <p>10 harassment training, diversity training, e-mail</p> <p>11 usage training, and I believe there was one other</p> <p>12 that cannot recall right now.</p> <p>13 Q. And would elected officials also have</p> <p>14 to participate in this training?</p> <p>15 A. We -- it's my understanding that we</p> <p>16 cannot require them to participate.</p> <p>17 Q. When an employee's hired to the county,</p> <p>18 a new employee, what happens from the time they're</p> <p>19 hired until they start performing their job duties?</p> <p>20 Do they go through some training and orientation,</p> <p>21 for example, something like that?</p> <p>22 A. At the time I left there, there was an</p> <p>23 orientation -- new hire orientation where they</p> <p>24 filled out all the necessary paperwork, they were</p> <p>25 provided any benefits that they cared to sign up</p>
<p style="text-align: right;">Page 19</p> <p>1 couple of examples of -- of different types of</p> <p>2 people that fall into -- into the scope of this</p> <p>3 policy. And these different, you know,</p> <p>4 categorizations of people. Is it your</p> <p>5 understanding that, you know, essentially anyone</p> <p>6 who is given access to county e-mail, county</p> <p>7 computer systems, county network systems, a county</p> <p>8 phone, and letterhead would be under the</p> <p>9 responsibility to abide by this policy?</p> <p>10 A. Yes.</p> <p>11 Q. Is it also your understanding that this</p> <p>12 policy applies to any activity that -- that would</p> <p>13 be in violation of sexual harassment or a hostile</p> <p>14 work environment?</p> <p>15 A. Yes.</p> <p>16 Q. And that would also include anything</p> <p>17 like slander or -- or distributing deliberate</p> <p>18 misinformation?</p> <p>19 A. Yes.</p> <p>20 Q. As director of human resources, were</p> <p>21 you responsible for training provided to county</p> <p>22 employees?</p> <p>23 A. The department was responsible for some</p> <p>24 of the training that county employees received,</p> <p>25 yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 for, signed off on any policy statements that we</p> <p>2 required. And then they were sent forth to their</p> <p>3 departments for departmental training.</p> <p>4 Q. And how would Beaufort County ensure</p> <p>5 that -- that all the things you just mentioned were</p> <p>6 completed when a new hire came in?</p> <p>7 A. All of the things that I just mentioned</p> <p>8 were completed in the human resources training</p> <p>9 room. And there was a checklist of all the items</p> <p>10 that had to be done.</p> <p>11 Q. Okay. And that's kind of what I was</p> <p>12 getting at. There -- there is a way to document</p> <p>13 that item A was completed, item B was completed,</p> <p>14 item C was completed, correct?</p> <p>15 A. Yes.</p> <p>16 Q. So walk me through what happens when an</p> <p>17 employee comes in and wants to -- to make a</p> <p>18 complaint to you.</p> <p>19 A. As I recall, when an employee comes in</p> <p>20 with an issue, I discuss it with them. If it's a</p> <p>21 complaint regarding another employee or something,</p> <p>22 I -- I get the information from the employee, I ask</p> <p>23 them to write a statement. And within that</p> <p>24 statement, I also ask them to list any witnesses to</p> <p>25 whatever it is that they are complaining about.</p>

6 (Pages 18 - 21)

Suzanne D. Gregory
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<p style="text-align: right;">Page 34</p> <p>1 with -- I believe it was the deputy county 2 administrator at the time and another person, 3 who I'm not sure what capacity he worked in at the 4 time, where it was very confrontational. 5 Q. Did any of these ladies indicate to you 6 that Mr. Beckert was partaking in any other 7 behavior that was more than rude, but maybe took it 8 a step further? 9 A. Not that I can recall, no. 10 Q. Are you aware that Mr. Beckert would 11 stare into Maria Walls's window outside of her 12 office? 13 A. I was -- I was told that, yes. 14 Q. Do you recall who told you that? 15 A. I believe it was the county 16 administrator. 17 Q. And who was that at that time? I know 18 Beaufort County has been through quite a few 19 lately. 20 A. Gary Kubic. 21 Q. And was that documented in your 22 department? 23 A. Not in my department. I believe Gary 24 Kubic may have documented that. 25 Q. Why weren't these complaints or these</p>	<p style="text-align: right;">Page 36</p> <p>1 I'm trying to figure out why they weren't written 2 down somewhere. So what is your understanding of 3 comment? 4 A. A comment is something stated in a 5 conversation that -- I -- I don't know how to 6 answer that. 7 Q. If someone were to call you about a 8 situation involving employee A and employee B, that 9 they were not involved in, just something that they 10 observed -- 11 A. Uh-huh. 12 Q. -- would that be documented or would 13 employee A have to come sit down in your office in 14 a serious manner for you to document that? 15 A. If someone came to me about employee A 16 and B having a conversation or a problem, I would 17 likely contact employee A or B to look into it if 18 it was a serious matter. 19 Q. And did you ever contact Jim Beckert 20 about the, as you -- as you have termed them, 21 comments against him? Did you ever contact him to 22 discuss them with him? 23 A. No. I -- I made administration aware 24 of anything that went on because they were dealing 25 with him as an elected official at the time the</p>
<p style="text-align: right;">Page 35</p> <p>1 comments documented anywhere? 2 A. Comments weren't documented because it 3 was casual conversation that -- that I wasn't 4 approached in a serious manner. It was -- it was 5 almost just here's another Jim Beckert situation, 6 you know, here -- and -- and it -- no one walked -- 7 no one walked into my office of the list I gave you 8 and said: I have a problem with Jim Beckert. It 9 was just we were talking about this, the other, and 10 then his name would come up. 11 Q. And what was the -- do you remember the 12 context of the other conversation? Was it other 13 HR-related issues? 14 A. I don't recall. 15 Q. I guess I'm trying to figure out your 16 definition of a comment -- 17 A. Uh-huh. 18 Q. -- to figure out whether it's something 19 that should have been documented, because we looked 20 at the -- the handbook earlier, and it states in 21 there that any complaint should be documented in 22 written form. 23 A. Uh-huh. 24 Q. And when you've got multiple, as you've 25 termed them, comments about the same individual,</p>	<p style="text-align: right;">Page 37</p> <p>1 best they could. 2 Q. And what were they dealing with him on? 3 Was there another issue going on that you're aware 4 of? 5 A. I -- I -- I believe there were several 6 issues going on with him, but one was his behavior. 7 Q. And when there is an issue with his 8 behavior, he was the director of human resources, 9 you were not involved in that? 10 A. No, not directly. Because, there 11 again, he's an elected official, not a county 12 employee, and I had no authority over him. 13 Q. So, if human resources doesn't have any 14 authority over him as an elected official, why did 15 human resources require him to complete an 16 orientation checklist and sign the Computer and 17 Information Systems Acceptable Use Policy and gave 18 him a handbook? 19 A. It's my understanding at the time this 20 was done, he was in the transition period. And 21 before he was sworn in, he was considered a county 22 employee -- a temporary county employee. That's 23 why he had to complete this paperwork. 24 Q. Is it your understanding that once he 25 became an elected official, he no longer had to</p>

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Deposition of:
Gary T. Kubic
April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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<p style="text-align: right;">Page 14</p> <p>1 Mr. Beckert's actions and what your staff related 2 to you? 3 A. Yes. 4 Q. And you as their supervisor and the -- 5 in your role as county administrator, you had an 6 obligation to provide a nonhostile, comfortable 7 workplace for your staff -- 8 MR. J. ANDERSON: Object to the form. 9 THE WITNESS: That's correct. 10 BY MR. CROSBY: 11 Q. -- correct? 12 I mean, it's important to -- for their 13 productivity and for their -- their well-being to 14 be free from any type of discomfort caused by 15 others in the workplace, correct? 16 MR. J. ANDERSON: Object to the form. 17 THE WITNESS: Yes. 18 BY MR. CROSBY: 19 Q. Did any of the employees at your 20 staff -- let's keep with them right now -- did any 21 of the staff relate to you that Mr. Beckert would 22 from time to time just stare at them? 23 A. Starting with myself, yes, stare from 24 the sidewalk through my window. I used to get to 25 work early. I caught him several times just</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Get my directions, maybe the 2 treasurer's office would be on the south end? 3 A. Well, I don't have a compass, and I 4 couldn't tell you -- 5 Q. Where -- 6 A. -- which way the sun rose on the 7 buildings. But basically it's a rectangle building 8 which is divided in half, two corridors. The front 9 corridor facing Ribaut Road had the treasurer and 10 the auditor, I think a mailroom, planning on that 11 side. And on the other side was the clerk of 12 council, myself, some of my staff members for -- 13 for Monica Spells, Beaufort County channel, and at 14 the end was the HR division. 15 So that was parallel -- there were 16 parallel corridors. And in between was a central 17 reception area at one time where the general public 18 could come in and access the offices, and that door 19 I restricted coming into my area. You could buzz 20 and have somebody come in and -- if it was a 21 taxpayer or another official, we would let them 22 through the doorway. 23 Q. Let's go back to you -- your 24 interaction with Mr. Beckert and his staring in 25 your window. How many times did that occur?</p>
<p style="text-align: right;">Page 15</p> <p>1 looking through the window standing there. It was 2 kind of odd. I even had mentioned it to the 3 sheriff a few times and others. 4 Maria Walls had indicated to me that 5 she felt that Mr. Beckert was staring at her 6 through her office window. As a result of that, I 7 think I told her to advise the sheriff as well, to 8 notify him that she felt uncomfortable. And then I 9 also authorized security cameras at that corner to 10 have the ability to video those occurrences, and 11 also for general security of the building itself. 12 I think it -- you know, I'm -- I'm 13 going back. I hope I get -- Monica Spells, I 14 think, told me a few times that Mr. Beckert 15 demanded access through a card swipe to our side of 16 the building, and I told her that -- you could 17 program the various access points for those cards. 18 And as a result of talking with her, I told her not 19 to program access for Mr. Beckert on -- on that 20 doorway that accessed my office space, that area, 21 that corridor. 22 Q. Where is your office -- I think the 23 treasurer's office is on the first floor of the 24 county building? 25 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Well, I didn't count them, but if 2 you're talking about -- you know, I don't know. I 3 never really took a count. It was almost at least 4 once or twice a week. It would depend on when he 5 arrived at work, and generally I'd get there about 6 7:00, 7:30. He'd get there early as well. He 7 parked right across from my window. And I never 8 really took a count, but it was more than one, and 9 it could be, you know, 20, 30. I -- I'm not sure. 10 Q. And he would -- you didn't -- did he 11 ever have a conversation about why it was that he 12 would stand outside your window? 13 A. No. I really never talked to him about 14 it. 15 Q. Did -- it sounds like you got to the 16 point where you were just limiting your interaction 17 with him in professional business settings? 18 A. You know, looking through my window and 19 being a county administrator, I was going to use a 20 BS kind of language, but quite frankly I had more 21 important things to consider in my duties than to 22 worry about a person and why that person would be 23 staring or looking at me through my window. I just 24 thought it was unusual, and I treated it that way. 25 You know, I just -- I moved on in my daily</p>

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<p style="text-align: right;">Page 18</p> <p>1 activities.</p> <p>2 Q. Just -- just to be clear, was -- were</p> <p>3 there other people who would routinely come to your</p> <p>4 window and just stare at you?</p> <p>5 A. Well, I like to think that I was a</p> <p>6 popular kind of guy and fairly good-looking, but I</p> <p>7 lost all my hair, and then that kind of eliminated</p> <p>8 that possibility pretty much.</p> <p>9 No, I don't mean to be frivolous. I</p> <p>10 know this is an important matter. But no. No.</p> <p>11 And what made it unique from normal</p> <p>12 traffic on the sidewalk by the public or other</p> <p>13 elected officials or staff, those occurrences</p> <p>14 occurred when it was early in the morning with only</p> <p>15 a few people in the building at that time. It was</p> <p>16 at the beginning of the day, and that's what I</p> <p>17 thought was interesting.</p> <p>18 Q. Did you ever get the sense that he was</p> <p>19 doing it to intimidate you?</p> <p>20 A. I don't know. I -- I have no idea what</p> <p>21 he was thinking about. And quite frankly, my</p> <p>22 personality, I wouldn't have thought that he was</p> <p>23 doing it to intimidate -- at least I wasn't</p> <p>24 intimidated by it, per se, because I figured I'm a</p> <p>25 big boy, and that's kind of incidental. So not</p>	<p style="text-align: right;">Page 20</p> <p>1 counsel her on visiting and -- and making sure that</p> <p>2 she related those incidents to the proper</p> <p>3 authorities, that being the sheriff. I told her I</p> <p>4 would introduce a video camera to record those</p> <p>5 events. And, yeah, she was visibly upset. She --</p> <p>6 it troubled her.</p> <p>7 Q. And so while the cameras may have had a</p> <p>8 secondary function of providing -- serving as</p> <p>9 security, the -- the -- the initial driver was</p> <p>10 because of Mr. Beckert's coming and staring</p> <p>11 at Maria -- through Maria Walls's window?</p> <p>12 MR. J. ANDERSON: Object to the form of</p> <p>13 the question.</p> <p>14 THE WITNESS: I would say that's true.</p> <p>15 I would also say that the camera is in plain view,</p> <p>16 and the idea was that, you know, generally if you</p> <p>17 walked in that area and you looked up or you knew</p> <p>18 that the cameras were rolling as security that it</p> <p>19 would maybe serve as a deterrent, which was the</p> <p>20 ultimate intent, to stop that action from</p> <p>21 happening.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. Did you ever learn of him staring at</p> <p>24 any other employees or any employees other than</p> <p>25 yourself of the county?</p>
<p style="text-align: right;">Page 19</p> <p>1 knowing his motives, I really don't know.</p> <p>2 I guess it was probably to maybe create</p> <p>3 a signal that he was present. But I did -- I did</p> <p>4 go to the sheriff because, you know, at various</p> <p>5 times I've been required to wear bulletproof vests</p> <p>6 and different kinds of things on campus in Beaufort</p> <p>7 County because of threats, and so just to get on</p> <p>8 record -- and I didn't do it in writing; I just</p> <p>9 mentioned it to the sheriff -- this is occurring in</p> <p>10 the morning. And he said, well, you know, do</p> <p>11 you -- do you want to continue or do you want to do</p> <p>12 anything for him?</p> <p>13 I said, no, I just want you to know.</p> <p>14 And that was the extent of it.</p> <p>15 Q. Just talk about his behavior toward --</p> <p>16 staring with regard to Maria Walls. Did she relay</p> <p>17 that to you?</p> <p>18 A. Yes, several times.</p> <p>19 Q. And when she relayed it, it was</p> <p>20 something that she didn't like?</p> <p>21 A. Yeah. That -- you know, that was -- my</p> <p>22 interpretation of what Maria expressed to me in</p> <p>23 those moments about Mr. Beckert looking in her</p> <p>24 window, she was clearly upset, she was clearly</p> <p>25 worried about physical harm. I would try to</p>	<p style="text-align: right;">Page 21</p> <p>1 A. The only other -- no. The only other</p> <p>2 employee that mentioned some occurrences outside</p> <p>3 the building or along the building was Tony</p> <p>4 Criscitiello, the planning director. But, again,</p> <p>5 Tony didn't think too much of it, but he did</p> <p>6 mention it to me that he thought Mr. Beckert was --</p> <p>7 was interested in the planning division.</p> <p>8 I think maybe at that time Mr. Beckert</p> <p>9 wanted to get a couple of tables or whatever, but</p> <p>10 you'd have to check with Tony. But I think Tony</p> <p>11 did mention it to me once or twice.</p> <p>12 Q. Did Monica Spells ever tell you that</p> <p>13 Beckert stared at her in the hall and made her feel</p> <p>14 uncomfortable?</p> <p>15 A. Yes.</p> <p>16 Q. How about Melissa Beere -- Beere?</p> <p>17 A. Who?</p> <p>18 MR. KEAVENY: Beere. Melissa Beere.</p> <p>19 MR. CROSBY: Beere.</p> <p>20 THE WITNESS: Where does she work at?</p> <p>21 MR. KEAVENY: HR.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. I think she worked in --</p> <p>24 A. Oh, Melissa. No, I don't think I had a</p> <p>25 conversation with Melissa about that.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. Who --</p> <p>2 A. I can't remember.</p> <p>3 Q. Who are the staff members that --</p> <p>4 that -- that you're referring to that worked</p> <p>5 under -- under you that -- directly there?</p> <p>6 A. Cheryl Harris, which was my executive</p> <p>7 assistant.</p> <p>8 Q. Cheryl?</p> <p>9 A. Cheryl Harris, Monica Spells, there</p> <p>10 were two black females who came into my office who</p> <p>11 were auditor employees who wanted me to do</p> <p>12 something about what they thought was harassment by</p> <p>13 Mr. Beckert; and I advised them that Mr. Beckert</p> <p>14 was a separate elected official, and that they had</p> <p>15 the opportunity to go down to the general bulletin</p> <p>16 board and look up the EEOC. And if they needed</p> <p>17 assistance in terms of how to contact the EEOC</p> <p>18 about their complaints, they could go into my staff</p> <p>19 HR, and they would provide numbers and forms, if</p> <p>20 that was necessary, for them to complete.</p> <p>21 I don't remember their names. I</p> <p>22 know -- I think they both were dismissed or fired.</p> <p>23 Q. Did Ebony Sanders ever relay any</p> <p>24 complaints to you about Mr. Beckert?</p> <p>25 A. Not directly. I think her</p>	<p style="text-align: right;">Page 24</p> <p>1 official in my opinion for a lot of reasons, and</p> <p>2 that the opportunity that he had was to use wisdom</p> <p>3 in talking to others who had more experience about</p> <p>4 budget, about office management, about hiring</p> <p>5 practices, about statutory interpretation, to aid</p> <p>6 him in developing a level of expertise to better</p> <p>7 operate his office. He rejected all those.</p> <p>8 I think he took offense, quite frankly,</p> <p>9 that I was a nonelected official trying to advise</p> <p>10 him as an elected official as to how to operate</p> <p>11 within the confines of governmental procedures.</p> <p>12 Q. Did you have -- ever have any</p> <p>13 conversations with Alicia Holland about any</p> <p>14 concerns she had about Mr. Beckert's conduct toward</p> <p>15 her?</p> <p>16 A. My recollection on that topic would be</p> <p>17 that I think Alicia talked to me about some of the</p> <p>18 differences of opinion regarding budgetary</p> <p>19 management and systems management. I think we had</p> <p>20 disputes with the auditor's office on who had the</p> <p>21 responsibility of protracting and entering into</p> <p>22 contracts for services or product.</p> <p>23 I remember I had to explain to</p> <p>24 Mr. Beckert that there's a statute that allows</p> <p>25 council to establish the purchasing unit and</p>
<p style="text-align: right;">Page 23</p> <p>1 complaints -- I think Monica may have mentioned</p> <p>2 that Ebony was also concerned. But I don't -- I</p> <p>3 don't remember Ebony ever coming in directly and</p> <p>4 having that type of conversation with me.</p> <p>5 Q. By putting up the cameras on the</p> <p>6 outside of the county building, it was an attempt</p> <p>7 by you to deter Beckert's conduct to -- to keep him</p> <p>8 from looking through Maria Walls's window in</p> <p>9 essence?</p> <p>10 MR. J. ANDERSON: Object to the form.</p> <p>11 THE WITNESS: That was one of my</p> <p>12 intents. That was one of my hopes. Yes.</p> <p>13 BY MR. CROSBY:</p> <p>14 Q. Much as dividing off and preventing</p> <p>15 Mr. Beckert from coming into your side of the</p> <p>16 building was to protect your employees?</p> <p>17 A. Yes.</p> <p>18 MR. J. ANDERSON: Same objection.</p> <p>19 BY MR. CROSBY:</p> <p>20 Q. Did you ever address directly with</p> <p>21 Mr. Beckert his conduct toward the employees or</p> <p>22 Ms. Walls?</p> <p>23 A. Indirectly I told Mr. Beckert several</p> <p>24 times that he was elected and replaced Sharon</p> <p>25 Burris who was literally a tragedy as an elected</p>	<p style="text-align: right;">Page 25</p> <p>1 policy. And that as the controlling entity,</p> <p>2 council creates that policy. And then, you know,</p> <p>3 there is buy-in from a lot of the elected</p> <p>4 officials.</p> <p>5 At times, Mr. Beckert felt that he had</p> <p>6 sole authority on who he could contract with, what</p> <p>7 services would be provided. And I think those</p> <p>8 discussions evolved with Alicia's because the</p> <p>9 purchasing department was part of her chain of</p> <p>10 command.</p> <p>11 Q. And would Mr. Beckert accuse her of</p> <p>12 violating policies and laws with regard to what she</p> <p>13 was doing?</p> <p>14 A. Yes. He would -- I don't want to say</p> <p>15 this -- but Mr. Beckert basically had disagreements</p> <p>16 along those lines with almost everybody outside the</p> <p>17 auditor's office.</p> <p>18 Q. And his accusations with regard to</p> <p>19 Alicia Holland's conduct, his accusations about her</p> <p>20 violating laws or policies were not true?</p> <p>21 MR. J. ANDERSON: Object to the form.</p> <p>22 MR. BUYCK: Same objection.</p> <p>23 THE WITNESS: What upset -- they</p> <p>24 weren't true. And what upset me is that Alicia</p> <p>25 worked for me, and her conduct, as far as I was</p>

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<p style="text-align: right;">Page 34</p> <p>1 conflicts that were occurring between the auditor 2 and the treasurer at that time. 3 Q. And in essence SouthData was willing to 4 give up the county's account if they had to have 5 anymore dealings with Jim Beckert? 6 MR. J. ANDERSON: Object to the form. 7 THE WITNESS: I'm not sure exactly what 8 SouthData's position was with the overall contract 9 with the county. But I think they basically had 10 told me, without this letter at the time, that they 11 did not want to take any verbal instructions from 12 Mr. Beckert. 13 And I kept trying to convince them that 14 Maria Walls, Jim Beckert, Gary Kubic, we are trying 15 to work these things out. But I guess it reached a 16 point where they said, hey, it's not worth the -- 17 the business of the county. 18 BY MR. CROSBY: 19 Q. It says their own Exhibit 9 for 20 SouthData to renew contract IFB 081214, we're 21 requesting the county to include an addendum 22 guaranteeing that SouthData will no longer be 23 required to directly communicate with the Beaufort 24 County Auditor's Office. 25 So it sounds like they were</p>	<p style="text-align: right;">Page 36</p> <p>1 individual -- to have to deal with a particular 2 individual? 3 A. Let me limit my answer to say that 4 during my time with Beaufort County, this is the 5 only case I've ever had where a company that we 6 contracted with would want to withdraw from the 7 contract based on these types of circumstances. I 8 can't remember all the way back to 1980 and '90 9 and -- 10 Q. And who was Dave Thomas? Was he 11 someone under your supervision? 12 A. Dave Thomas was under the chain of 13 command of Alicia Holland. He was the director of 14 purchasing. Since I am the county administrator, 15 all those employees are under my chain of command, 16 but he directly reported to Alicia Holland. 17 Q. And it's my understanding that steps 18 were taken to have Maria Walls be the one that were 19 communicating with SouthData under these contracts? 20 MR. J. ANDERSON: Object to the form. 21 THE WITNESS: Yes. If you understand 22 the significance of this process, all general 23 revenue created by a tax bill, real or personal, 24 came through this printing process. So the 25 importance from my point of view of getting this</p>
<p style="text-align: right;">Page 35</p> <p>1 willing to -- weren't going to renew that contract 2 if they had to deal with Jim Beaufort? 3 A. I think what they were saying in the 4 letter, my interpretation of the letter, was they 5 were willing to continue their service with 6 Beaufort County, but not take any instruction or 7 changes from Mr. Beckert in that regard; that they 8 would continue to provide a service, but they 9 didn't want to do it with Mr. Beckert. 10 And I know that sounds like 11 gobbledygook, but I guess they were basically 12 saying, look, if it was Maria Walls or Gary Kubic 13 or someone else, we can handle it. But they didn't 14 want to continue the relationship as it was 15 originally established. 16 Q. In Exhibit 10 in the forth paragraph, 17 it says: We produce billing and assessment 18 documents for approximately 140 counties in the 19 southeast and have never experienced a level of 20 frustration nor have we ever requested that any 21 portion of a contract be terminated. 22 Have you ever had in your experience in 23 government ever had a private vendor make such an 24 expression that they would give up a portion of a 25 contract or make a request not to have a particular</p>	<p style="text-align: right;">Page 37</p> <p>1 done efficiently and timely was critical. 2 And so my directive to these folks is, 3 look, if you don't want to talk to Jim Beckert and 4 you don't want to take his phone calls, stay with 5 us, you know our system, you've been with us for a 6 while, Maria will do the contacting or I'll do the 7 contacting with you, and we'll be able to continue 8 so that the, quote/unquote, tax bills are available 9 in a timely fashion for the charging and collection 10 of the revenue produced by taxes as directed by 11 Beaufort County Council. 12 BY MR. CROSBY: 13 Q. In watching Jim Beckert's interaction 14 with county employees and -- as well as Maria Walls 15 over the years, would you describe his behavior or 16 his -- as -- as being of a bullying nature? 17 A. I would describe Mr. Beckert's actions 18 that if he didn't like you, he was very aggressive 19 in how he conducted himself amongst those 20 individuals. He was a very aggressive -- he 21 harassed everybody, I mean, to the point where I 22 know a lot of my staff, you know, didn't want to 23 meet. And I would try to make myself available as 24 a conduit, a mediator so that business could still 25 be conducted without all the friction generated by</p>

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1 Mr. Beckert.
2 Q. Would his aggressiveness, would you
3 describe it as abusive toward individuals at times?
4 MR. J. ANDERSON: Object to the form.
5 THE WITNESS: Yes.
6 BY MR. CROSBY:
7 Q. And I take it what you did by locking
8 the doors, at least with regard to your staff and
9 his access to them, was an attempt to protect them
10 from what one would describe as a hostile
11 environment?
12 MR. J. ANDERSON: Object to form.
13 THE WITNESS: I would say generally the
14 answer is yes. The idea of separation, obviously,
15 is to keep each side away from each other. And so
16 my intent was to limit, because you cannot be
17 exclusive.
18 In the working conditions and product
19 that we were required to produce for the taxpayer,
20 you have occasions where people doing their
21 functions have to interact with others.
22 So physically putting a lock on the
23 door was one method. The second method would be to
24 try to include or avoid one-on-one situations so
25 that you'd have more people in the meetings, and

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1 the idea or intent of that was to soften and
2 hopefully modify behavior patterns of individuals
3 because they were in a group setting rather than a
4 one-on-one setting.
5 BY MR. CROSBY:
6 Q. Wouldn't an ordinary functioning of
7 county government with regard to the auditor and
8 treasurer, would there typically just be free
9 access between, for example, the auditor and
10 someone on your staff so that they could -- if they
11 needed something they could reach directly out to
12 them?
13 MR. J. ANDERSON: Object to the form.
14 THE WITNESS: Well, the purpose first
15 and foremost of every elected official in every
16 unit of government is to provide whatever their
17 level of duty and responsibility is to serve the
18 needs of the taxpayer.
19 Whether you like an individual or you
20 don't like an individual, in my world, my
21 authority, is not relevant. I can dislike an
22 employee but not confront them, verbally abuse
23 them. As long as their work product is 100 percent
24 and sufficient, I never thought I would have to
25 like or dislike anyone. I want to see the results

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1 of their efforts.
2 Given those facts, Mr. Beckert gave
3 several people the impression during meetings
4 and -- and -- that he was just confrontational. I
5 mean, they were always nervous. And that's why I
6 tried to increase my presence at committee meetings
7 if I knew he was going to be there or meetings that
8 involved Alicia or Maria, I tried to be there.
9 The auditor's office and the
10 treasurer's office is hand in glove. They cannot
11 work independently and produce a product that
12 satisfies the needs of the taxpayer. They -- and
13 that's why in my opinion, and I'm going well beyond
14 in my response, is I don't think you need in this
15 day and age of technology two separately elected
16 officials, auditor and treasurer, to generate a tax
17 bill, whether it's personal property or real
18 property. But that's -- that's for another
19 election or referendum.
20 BY MR. CROSBY:
21 Q. In what -- in what you've -- in your
22 response there and your prior responses, because of
23 Mr. Beckert's aggressiveness toward individuals
24 working for the county and in it, he -- you created
25 a system where you served as a conduit and/or, I

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1 guess, attending more meetings sort of as a
2 protector?
3 MR. BUYCK: Note my objection.
4 BY MR. CROSBY:
5 Q. -- for your employees --
6 MR. J. ANDERSON: Object to the form.
7 BY MR. CROSBY:
8 Q. I mean, the reason you did that was an
9 attempt to protect your employees from
10 Mr. Beckert's --
11 A. There --
12 Q. -- aggressive and abusive behaviors --
13 A. There were two reasons.
14 MR. BUYCK: Same objection.
15 MR. J. ANDERSON: Same objection.
16 THE WITNESS: There were two reasons:
17 One, the primary focus to produce a product that
18 would satisfy the needs of the taxpayer. Two, it
19 was to make sure that those present in the meeting,
20 elected or not elected, understood that we are all
21 together to get that done, that the objective of
22 the meeting was to produce product. And, three, to
23 your point, indirectly to protect or to give
24 comfort from my presence to employees who felt
25 that -- uncomfortable with Mr. Beckert, that they

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1 council to come to the same conclusions predicated
2 on what I was telling them or what I was seeing
3 occur.
4 Q. And she goes on in the next sentence
5 and says: Harassing another person by walking by
6 their office and standing there and staring at
7 them, then walking backwards to repeat staring is
8 very bizarre behavior.
9 Who -- who was she making reference to?
10 A. Well, I don't know how she decided to
11 write that. I would probably assume, and it's
12 terrible to do this, that she had conversations
13 with Maria Walls.
14 Q. And the person that she was talking
15 about doing the harassing by staring was Jim
16 Beckert?
17 A. Yes. That's --
18 MR. J. ANDERSON: Object to the form.
19 THE WITNESS: -- how I interpret this.
20 BY MR. CROSBY:
21 Q. And you would concur with her that that
22 type of behaviors, staring and what she's outlining
23 here, is both bizarre and harassing in nature?
24 MR. J. ANDERSON: Objection.
25 MR. JJ ANDERSON: Object to the form.

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1 It's leading.
2 THE WITNESS: Well, you don't have to
3 lead me to my conclusions. I will tell you that in
4 the normal course of doing business, some of the
5 behaviors of Mr. Beckert were not normal business
6 procedures or strategies or behavior.
7 BY MR. CROSBY:
8 Q. Do you concur with Ms. --
9 A. In my opinion.
10 Q. Okay. Do you concur with Ms. Bensch's
11 assessment that his interactions, and if it's
12 referring to Ms. Walls, rose to the level of a
13 harassment?
14 A. Yes.
15 MR. J. ANDERSON: Objection.
16 MR. BUYCK: Same objection.
17 BY MR. CROSBY:
18 Q. And then she goes on, she says: Is
19 there anyone with authority to speak with him about
20 limits of acceptable behavior?
21 Did you ever respond to her question,
22 either in person or in writing?
23 A. I don't know if I responded direct -- I
24 think I -- I might have responded to county council
25 collectively. I don't think I responded to Cynthia

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1 Bennett's directly on point. My position was as
2 county administrator, I served at the pleasure of
3 county council that my duties and responsibilities
4 were defined by county council, that -- I think I
5 told council I have no statutory ability to go to
6 an elected official and instruct an elected
7 official as to how they should conduct their office
8 or level of operation.
9 I basically did have conversations with
10 Mr. Beckert that, you know, arguing and being
11 aggressive with individuals doesn't achieve
12 anything, that normal disagreement is appropriate.
13 Anybody can have an idea about anything. There is
14 differences of opinions almost all the way down the
15 chain of command. But ultimately, you know, you
16 come to some resolution. And that was very
17 difficult with Mr. Beckert.
18 Q. Did you ever observe that he made any
19 changes in his behavior toward others as a result
20 of your advice?
21 A. I don't know if he changed his behavior
22 to become less aggressive. I think he maintained
23 his persona all the way through. I don't -- I
24 don't think he ever changed any -- he -- he just
25 acted that way. That was his method of operation

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1 in terms of his personality and being aggressive.
2 Q. Was this -- Mr. Beckert's harassing
3 nature of his behavior, was that ever brought to
4 the attention of the council?
5 MR. J. ANDERSON: Object to the form.
6 MR. BUYCK: Same objection.
7 THE WITNESS: Are you asking me if I
8 ever brought to the attention of council his
9 aggressive behavior?
10 BY MR. CROSBY:
11 Q. Yes.
12 A. I'm not sure I used the word
13 aggressive. I think I told council several times
14 that Mr. Beckert clearly was argumentative,
15 disruptive, unwilling to at least listen to a
16 contrary point of view. And I don't know if I
17 should be -- well, in -- in his -- in this letter,
18 he refers to the department of revenue. I'm going
19 to expand my answer to say that I reached out to
20 the department of revenue to ask them for
21 assistance, and they basically had a difficult time
22 with Mr. Beckert as well, to the point where it's
23 my interpretation that they didn't want to get
24 involved with him either.
25 Q. And Ms. Bensch goes on to write that

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<p style="text-align: right;">Page 118</p> <p>1 Could you -- could you be a little more clear on --</p> <p>2 on what you meant by aggressive?</p> <p>3 A. Manner of speech, his countenance in</p> <p>4 terms of sitting in a meeting and having</p> <p>5 Mr. Beckert stare at you with intensity, those</p> <p>6 types of observations is what I meant by a</p> <p>7 nontypical office type behavior.</p> <p>8 Q. Okay. So staring at you -- and I don't</p> <p>9 want to put words in your mouth, but I don't -- you</p> <p>10 know, we're trying -- is it -- would he be more</p> <p>11 curt? Would he be -- would he scream at you? I</p> <p>12 mean, what -- what's -- what does aggressive mean</p> <p>13 when you say manner of speech?</p> <p>14 A. You can take a look at the -- all the</p> <p>15 committee meetings are on videotape.</p> <p>16 Q. Uh-huh.</p> <p>17 A. There were occasions where Mr. Beckert</p> <p>18 would get aggressive and argumentative. So I can</p> <p>19 recall distinctly a meeting that I tried to</p> <p>20 create -- I think David Cadd, his assistant,</p> <p>21 Mr. Beckert, Maria, myself, and maybe a couple of</p> <p>22 other people -- to try to resolve issues, and I</p> <p>23 didn't anticipate that it would generate anger by</p> <p>24 having those two present in one room, but it -- it</p> <p>25 did.</p>	<p style="text-align: right;">Page 120</p> <p>1 assessor's office, I also think in the legal</p> <p>2 division, I think in the tax equalization board, I</p> <p>3 think all of the treasurer's employees, so there</p> <p>4 were quite a few. But in the literal sense, I used</p> <p>5 the word everybody, but obviously it's not</p> <p>6 everybody.</p> <p>7 Q. Okay. I'm going to ask -- I'm going to</p> <p>8 do this annoying thing that I just did with</p> <p>9 aggressive. Can you explain to me exactly what you</p> <p>10 mean by the word harassment or harassed?</p> <p>11 A. Well, in his manner of speech towards</p> <p>12 people, we're having a conversation, we probably</p> <p>13 are on different sides of the argument, but I'm not</p> <p>14 angry at you. But his communication style and how</p> <p>15 he verbally related items was not a normal</p> <p>16 conversation that would reflect a mere difference</p> <p>17 of opinion.</p> <p>18 Q. Uh-huh.</p> <p>19 A. His method of expression was: It's my</p> <p>20 way, and I determine that way, and you have no</p> <p>21 right to suggest anything different.</p> <p>22 Q. Okay. And is that -- is that your</p> <p>23 definition of harassment is him being</p> <p>24 territorial -- I'll use that word --</p> <p>25 A. It -- it --</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Would an appropriate synonym for your</p> <p>2 use of aggressive be passionate?</p> <p>3 A. Passionate is an interesting word that</p> <p>4 I would not use to describe Mr. Beckert's behavior,</p> <p>5 because there were times where it appeared to me</p> <p>6 that he was just angry, and I don't believe if</p> <p>7 you're -- if you're passionate that you're angry.</p> <p>8 And --</p> <p>9 Q. Okay. So your interpretation of --</p> <p>10 A. I interpreted his actions as being</p> <p>11 overly aggressive in trying to present his point of</p> <p>12 view vigorously, almost as if he felt that</p> <p>13 everybody in the room was against him.</p> <p>14 Q. Uh-huh. You mentioned that I think</p> <p>15 you -- I think these are your exact words, that he</p> <p>16 harassed everybody?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Do mean that literally?</p> <p>19 A. Yeah. I do mean it literally. I</p> <p>20 don't --</p> <p>21 Q. Janitorial staff?</p> <p>22 A. No. I don't think janitorial staff. I</p> <p>23 mean, basically all my employees on my side.</p> <p>24 Q. Uh-huh. And --</p> <p>25 A. And then I -- and I think in the</p>	<p style="text-align: right;">Page 121</p> <p>1 MR. CROSBY: Object to the form.</p> <p>2 BY MR. J. ANDERSON:</p> <p>3 Q. -- over items?</p> <p>4 A. It could be, yes.</p> <p>5 Q. Okay. So --</p> <p>6 A. Now, you can ask the female employees</p> <p>7 directly what they thought. I wasn't there, and I</p> <p>8 can't offer an opinion. But in the --</p> <p>9 Q. Sure. And like --</p> <p>10 A. -- time -- in the conversations that I</p> <p>11 had or in the meetings I attended --</p> <p>12 Q. Uh-huh.</p> <p>13 A. -- that was my observation, that he was</p> <p>14 very aggressive, and that aggressive approach can</p> <p>15 be interpreted as harassment because clearly he</p> <p>16 didn't want to hear any other point of view.</p> <p>17 Q. Okay. So when you equal his -- so, in</p> <p>18 an attempt to summarize here: Him arguing for his</p> <p>19 points in an aggressive manner is what you're</p> <p>20 stating harassment to be?</p> <p>21 MR. CROSBY: Object to the form.</p> <p>22 BY MR. J. ANDERSON:</p> <p>23 Q. Is -- is that -- I mean --</p> <p>24 A. That's --</p> <p>25 Q. Correct me if I'm wrong, please.</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. That's -- that's part of it. I</p> <p>2 observed Mr. -- I -- I was at a meeting -- at a</p> <p>3 public -- public meeting where Maria was speaking,</p> <p>4 and, you know, Jim was openly filming her.</p> <p>5 Q. Uh-huh.</p> <p>6 A. And I thought to myself when I saw</p> <p>7 that, you know: What's going on? So my</p> <p>8 interpretation of that action was he was trying to</p> <p>9 intimidate her while she was speaking to the</p> <p>10 general public. And he did that on several</p> <p>11 meetings where I attended, you know. So I just</p> <p>12 thought that's not necessary.</p> <p>13 Q. Did you -- did you know that he was</p> <p>14 filming her or was --</p> <p>15 A. Yeah.</p> <p>16 Q. -- was that your interpretation?</p> <p>17 A. No. Here.</p> <p>18 Q. Okay. All right. So --</p> <p>19 A. Hold up the phone --</p> <p>20 Q. He had a phone held up. Okay.</p> <p>21 A. -- directly at her face --</p> <p>22 Q. Uh-huh.</p> <p>23 A. -- filming. And I think there are</p> <p>24 pictures of him doing that.</p> <p>25 Q. Uh-huh. All right.</p>	<p style="text-align: right;">Page 124</p> <p>1 action is taken.</p> <p>2 Q. Okay. Did management ever conclude</p> <p>3 that a complaint of harassment has merit against</p> <p>4 Mr. Beckert during your tenure there? I</p> <p>5 understand --</p> <p>6 A. Are you indicating that I was the</p> <p>7 manager of --</p> <p>8 Q. I'm not --</p> <p>9 A. -- an elected official?</p> <p>10 Q. I'm not making a management question at</p> <p>11 all here, sir. I'm not indicating that you are the</p> <p>12 management. I'm -- I'm asking if this -- in this</p> <p>13 process -- you know, whatever management is defined</p> <p>14 as is in this process.</p> <p>15 A. Well, I guess my definition of</p> <p>16 management in this section doesn't apply to county</p> <p>17 council directors or administrator that I manage an</p> <p>18 elected official.</p> <p>19 Q. Uh-huh.</p> <p>20 A. I don't think that was the intent of</p> <p>21 that. I think it was the intent of that language</p> <p>22 that department heads who are in charge of</p> <p>23 employees are the management that is referred to in</p> <p>24 that sentence. And when they see it, they have an</p> <p>25 avenue to report it. But I don't think I have the</p>
<p style="text-align: right;">Page 123</p> <p>1 A. So...</p> <p>2 Q. Mr. Crosby asked you about -- in</p> <p>3 Exhibit 1 here, it's the personnel handbook.</p> <p>4 A. Yes.</p> <p>5 Q. You went to Page 8, and you talked</p> <p>6 about 1.6, corrective action.</p> <p>7 A. Page 8. Okay. I'm getting there. I'm</p> <p>8 with you.</p> <p>9 Q. Now, you two spoke about the last two</p> <p>10 sentences within that paragraph. Would you read</p> <p>11 the first sentence of that --</p> <p>12 A. Did you say 1-6?</p> <p>13 Q. I did, 1.6.</p> <p>14 A. Okay. The last two sentences?</p> <p>15 Q. You two spoke about the last two</p> <p>16 sentences: Employees may be disciplined.</p> <p>17 Non-employees -- him asking a series of questions</p> <p>18 about what --</p> <p>19 A. Okay.</p> <p>20 Q. -- non-employees are.</p> <p>21 A. In the first paragraph?</p> <p>22 Q. Uh-huh. Yeah. That's right. Would</p> <p>23 you mind reading the first sentence?</p> <p>24 A. If management concludes that a</p> <p>25 complaint of harassment has merit, appropriate</p>	<p style="text-align: right;">Page 125</p> <p>1 management right to offer harassment charges</p> <p>2 against an elected official.</p> <p>3 Q. I -- I understand your position.</p> <p>4 And -- and while I appreciate it, I think my</p> <p>5 question was a little bit different. Whoever the</p> <p>6 management -- this -- this 1.6 says: If management</p> <p>7 concludes -- and we can put aside who management is</p> <p>8 at this point -- whether it be a -- whether it be a</p> <p>9 board, whether it be the county council, whoever it</p> <p>10 could be. Right? This is not -- or the</p> <p>11 administrator, that's not -- but if that management</p> <p>12 concludes that a complaint of harassment has merit,</p> <p>13 all right, appropriate action is taken. Is that</p> <p>14 not what that says -- I mean, is that what that</p> <p>15 says? My apologies.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did anyone conclude that a</p> <p>18 complaint of harassment against Mr. Beckert had</p> <p>19 merit? Anybody.</p> <p>20 A. Well, I didn't come to the conclusion</p> <p>21 in the legal sense that his actions against a</p> <p>22 fellow or another employee had merit in the sense</p> <p>23 that you're referring to it. But it is my definite</p> <p>24 opinion predicated on what I witnessed and what I</p> <p>25 saw in terms of how Mr. Beckert treated others, not</p>

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1 only his employees, but other employees throughout
2 the county, I would interpret those actions towards
3 those employees that he was harassing them. His
4 anger, his -- the method, the way he talked to them
5 clearly did not comport with what would be
6 considered reasonable and appropriate conduct in a
7 workplace.

8 Q. And you -- but once again, as you
9 stated before, you're not asked to -- to rule on
10 that?

11 A. No.

12 Q. Okay. And would it have been
13 appropriate for you to ever rule on that --

14 A. No.

15 Q. -- in your position as administrator?

16 A. There is no statutory authority that I
17 ever became aware of that gave me that capability.

18 Q. Okay. During -- during your tenure
19 there, did anyone -- are you aware of anyone
20 gossiping about Mr. Beckert?

21 A. Gossiping?

22 Q. Yes, sir.

23 A. I'm not sure what you mean about
24 gossiping. If you're -- if you're meaning were
25 they talking about Mr. Beckert with -- outside of

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1 his presence?

2 Q. How do you interpret -- I mean, how do
3 you interpret the term gossip?

4 A. I interpret it as two individuals
5 sitting at a bar having a few drinks, discussing
6 how somebody treated somebody else. That's how I
7 interpret gossiping.

8 Q. Okay. So hopefully --

9 A. To me gossip has no meaning whatsoever.
10 People gossip all the time.

11 Q. It's a term used in the county employee
12 handbook, though --

13 A. Okay.

14 Q. -- is it not?

15 A. I don't know. If it is there, it's
16 there. I don't --

17 Q. Okay. So we'll go to 1.3, the
18 anti-harassment policy.

19 A. Okay.

20 Q. I believe it's the second sentence.
21 I'll give you a second to read that. I think it
22 starts with in addition.

23 A. Yes, sir.

24 Q. I'll give you a second to read that.

25 A. Okay.

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1 Q. How do you interpret gossip in this
2 context?

3 A. How do I interpret gossip in that
4 context? Well, I guess when -- you know, I guess
5 I'll refer -- I'll give you this answer, which may
6 seem kind of odd: There is a movie called -- it's
7 about a Catholic priest, and he in a sermon
8 describes that a woman came to him and she felt she
9 had sinned because she gossiped about another
10 party, and he told her to go on the rooftop with a
11 knife and a pillow and open the pillow. And so she
12 did, and she reported back to the priest: Father,
13 I did what you asked me.

14 And he said, well, now I want you to go
15 and pick up the feathers.

16 And she said, how can I do that?
17 They're everywhere.

18 And he said, that's gossip.
19 Which I found was a pretty profound way
20 of describing what gossip actually is.

21 Q. So releasing things -- releasing
22 statements into the world which you have no ability
23 to capture back?

24 A. Yes.

25 Q. Do you feel like that happened with --

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1 did anyone ever release statements into the world
2 that they had no ability to capture back about Jim
3 Berkert?

4 A. I'll answer it this way: The Island
5 Packet quoted me several times in meetings that I
6 didn't attend. That's just part of the process.
7 Especially with people in the public, they like
8 what you wear, they don't like what you say. You
9 are open game to anyone if you are a public
10 employee or an elected official.

11 Q. Did any of your employees gossip in the
12 term that you've -- about Mr. Beckert?

13 A. They could have. I don't know.

14 Q. Okay. So you don't -- you don't know
15 if any of your employees did. Did any of your
16 employees use slurs against Mr. Beckert like, I
17 don't know, creepy?

18 A. Yeah. They used word the creepy --

19 Q. Okay.

20 A. -- made me uncomfortable.

21 Q. Okay.

22 A. Yeah. The -- the black employee --
23 female employees who came into my office felt that
24 he was using David Cadd to look over their shoulder
25 to find errors in their performance so that he

33 (Pages 126 - 129)



Deposition of:
D. Paul Sommerville

April 8, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Holland, Aliciav. Beaufort County et al

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<p>1 Q. During your service on County Council,</p> <p>2 did you become aware by some means of complaints</p> <p>3 from employees and perhaps others about what they</p> <p>4 perceived to be harassing or abusive conduct toward</p> <p>5 them by Jim Beckert?</p> <p>6 A. What was the word before "conduct"? I</p> <p>7 heard you say harassing and some kind of conduct.</p> <p>8 Q. Abusive?</p> <p>9 A. Abusive conduct. Yes.</p> <p>10 Q. And tell me how you -- you came to know</p> <p>11 of those complaints. And I'll ask you some</p> <p>12 specifics, but I would just like some generalities</p> <p>13 to start with.</p> <p>14 A. Well, I had -- I have no idea how many</p> <p>15 conversations with a number of people on that</p> <p>16 topic.</p> <p>17 Q. To the extent you can, when did you</p> <p>18 first learn about any complaints about Jim</p> <p>19 Beckert's behavior?</p> <p>20 A. I believe Mr. Beckert was first elected</p> <p>21 -- think about this. About 9- -- about 2015, I</p> <p>22 think. This is his second term, I think. Towards</p> <p>23 the end of second term. So I'm going to say</p> <p>24 2015 -- that may not be exactly right -- is when he</p> <p>25 first became auditor, I think, close.</p>	<p>1 employees complained to me specifically about his</p> <p>2 behavior towards them.</p> <p>3 Q. And can you give me the names of some</p> <p>4 that you can recall?</p> <p>5 A. Yes, sir, I'll give you the ones I can</p> <p>6 recall. Alicia Holland, Maria Walls, the CFO of --</p> <p>7 of the school board, Tanya --</p> <p>8 Q. Crosby?</p> <p>9 A. -- Crosby. Thank you. No, I'm sorry,</p> <p>10 Tanya Crosby did not complain to me about his</p> <p>11 treatment of her. She complained about his job</p> <p>12 performance. I want to be clear about that.</p> <p>13 I recall those two, but I'm not sure</p> <p>14 beyond that.</p> <p>15 Q. Did you ever learn of any complaints by</p> <p>16 Ebony Sanders?</p> <p>17 MR. ANDERSON: Objection.</p> <p>18 THE WITNESS: Ebony Sanders, no, sir, I</p> <p>19 do not.</p> <p>20 BY MR. CROSBY:</p> <p>21 Q. What about Monica Spells?</p> <p>22 MR. ANDERSON: Same objection.</p> <p>23 THE WITNESS: Am I hearing things?</p> <p>24 MR. ANDERSON: No, sir. I'm objecting,</p> <p>25 but you can answer the question.</p>
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<p>1 And I don't remember, to be honest with</p> <p>2 you, when the first time I heard the complaints</p> <p>3 about him, so I can't really put a date to it.</p> <p>4 Q. Sometime after he took office?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And what was the nature of the</p> <p>7 complaints, as best you can recall?</p> <p>8 A. Well, they took two forms. One was --</p> <p>9 was his job performance and another was the way he</p> <p>10 treated some individuals that I became aware of.</p> <p>11 Q. There were some people that would</p> <p>12 complain about Mr. Beckert's performance as</p> <p>13 auditor?</p> <p>14 A. Yes, sir, to me. I don't know, I'm</p> <p>15 sure they -- well, I'm not sure of anything. They</p> <p>16 may have complained to others, but they definitely,</p> <p>17 some people definitely complained to me.</p> <p>18 Q. And then there were complaints about</p> <p>19 his behavior to -- towards specific others?</p> <p>20 A. A lot of the complaints had to do with</p> <p>21 his job performance, but you're asking me about</p> <p>22 what?</p> <p>23 Q. About his behavior toward people</p> <p>24 employed -- County employees.</p> <p>25 A. Employees. Yes, several County</p>	<p>1 THE WITNESS: Oh, okay. I want to --</p> <p>2 don't want to dis- -- I don't want to be</p> <p>3 dismissive.</p> <p>4 MR. ANDERSON: No, sir. It's a</p> <p>5 speaking objection. You can answer.</p> <p>6 THE WITNESS: I understand.</p> <p>7 Okay. You're asking me if I had</p> <p>8 complaints from Monica Spells --</p> <p>9 BY MR. CROSBY:</p> <p>10 Q. Yes.</p> <p>11 A. -- about Beckert directly?</p> <p>12 Q. Yes.</p> <p>13 A. Directly, no.</p> <p>14 Q. How about indirectly?</p> <p>15 A. I don't recall specifically.</p> <p>16 Q. Did Gary Kubic ever express concerns to</p> <p>17 you about Beckert's treatment of some of his staff?</p> <p>18 A. Yes.</p> <p>19 Q. What do you recall was relayed to you</p> <p>20 by Gary Kubic?</p> <p>21 A. Would you repeat the question, please.</p> <p>22 Q. What -- do you recall what Gary Kubic</p> <p>23 told you about that?</p> <p>24 A. About?</p> <p>25 Q. About his concerns about Beckert's</p>

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1 treatment of his staff?

2 A. He -- he complained -- we're not

3 talking about his job performance now.

4 Q. Right.

5 A. We're talking about treatment.

6 Q. Right.

7 A. Okay. Gary and I had -- Gary -- Gary

8 told me on several occasions that Jim Beckert

9 was -- I don't want to misquote Gary and it's very

10 difficult to try to remember his exact words, but

11 I'm trying. I'm going to have to paraphrase

12 because I'm not sure of his exact words, that he

13 was harassing some employees.

14 Q. Did Gary inform you of any action that

15 he had taken to protect those employees?

16 A. Yes. Gary -- I was chairman during

17 some of that -- oh, excuse me, I forgot to turn my

18 phone off. I'm sorry. Oh, shoot. Sorry. I

19 forgot to turn my phone off.

20 MR. BUYCK: If you need to get that

21 call you're welcome to.

22 THE WITNESS: What's that?

23 MR. BUYCK: If you need to get that

24 call --

25 THE WITNESS: No, no, no. I -- it's --

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1 I'll call them back.

2 Again, would you repeat the question?

3 I'm sorry I was interrupted.

4 BY MR. CROSBY:

5 Q. I believe the question was did Gary

6 ever tell you or did you learn of any actions that

7 Gary had taken to protect any of the County

8 employees from Jim Beckert's harassment?

9 A. Yes.

10 Q. What -- what did you learn?

11 A. He told me on numerous occasions that

12 he had gone to Beckert's office and talked to him

13 and brought Beckert into his office to talk to him

14 to try to prevent some of that behavior.

15 Q. Did you ever learn that he had blocked,

16 basically limited Jim Beckert's access to his

17 part -- part of the building?

18 MR. ANDERSON: Objection.

19 THE WITNESS: I am not aware that Gary

20 Kubic limited Beckert's access to any part of the

21 building or -- I don't remember that that was

22 discussed.

23 BY MR. CROSBY:

24 Q. What about, did you become aware that

25 Gary Kubic, in conjunction with the sheriff's

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1 office, had installed cameras on the County

2 administration building because of Jim Beckert's

3 peering through Maria Walls' windows?

4 A. Yes.

5 Q. When did you learn of that?

6 A. Well, let's see. Gary left in -- I'm

7 not going to try to pinpoint that date because I

8 don't remember exactly when he left, but sometime

9 prior to Gary leaving he told me that -- he told me

10 he was installing cameras for that purpose. Among

11 others, there were other -- it wasn't the only

12 purpose, but it was a purpose.

13 Q. What you learned is that what prompted

14 it was a complaint from Maria Walls about Jim

15 Beckert peering through her window?

16 A. Yes.

17 MR. ANDERSON: Object to the form.

18 BY MR. CROSBY:

19 Q. Did -- did he relay to you that Jim

20 Beckert would peer through his window as well?

21 A. On numerous occasions, yes.

22 Q. In your time on County Council, was the

23 issue of Jim Beckert's behavior toward employees

24 and/or Maria Walls ever discussed as an agenda item

25 or in an executive session item where there was

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1 some effort to determine if anything could be done

2 to stop it?

3 A. I don't recall.

4 Q. Did Gary Kubic ever express to you any

5 frustration about his inability to stop Jim

6 Beckert's behavior?

7 A. Yes.

8 Q. And -- and tell me -- tell me what you

9 recall about that.

10 A. I can remember on several occasions

11 Gary being extremely frustrated because he -- he

12 couldn't figure out how to solve that problem, the

13 Beckert problem, in spite of his efforts.

14 Q. I believe after Maria Walls filed her

15 lawsuit, you were interviewed by the -- the paper

16 and you indicated that -- you acknowledged the

17 complaints that had been received and indicated it

18 had been on an ongoing basis?

19 A. (Indicating an affirmative response.)

20 Q. Is that correct?

21 A. That's correct.

22 Q. And you're quoted in there as saying,

23 "We concluded that because he's an elected official

24 there wasn't a whole lot we can do." And it says,

25 "I never felt comfortable with that because I just

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<p style="text-align: right;">Page 14</p> <p>1 kept thinking there has to be something we can do</p> <p>2 to help these poor people."</p> <p>3 Do you recall saying that?</p> <p>4 A. I do.</p> <p>5 Q. When you say we made the decision or we</p> <p>6 concluded that there wasn't much could be done was</p> <p>7 that council concluded or are you talking about</p> <p>8 County government?</p> <p>9 A. No, I'm really talking about Gary and</p> <p>10 myself because my conversations were not with the</p> <p>11 council itself. We may have had individual</p> <p>12 conversations. I don't recall that we had a group</p> <p>13 conversation, a council conserv- -- conversation.</p> <p>14 But I had many conversations with Gary about it and</p> <p>15 so I guess the "we" I'm talking about really is</p> <p>16 Gary and I. I think I was probably chairman at</p> <p>17 that time.</p> <p>18 Q. And as chairman you would have had a</p> <p>19 lot of direct communications with the County</p> <p>20 administrator?</p> <p>21 A. Daily.</p> <p>22 Q. Was there ever a -- a legal opinion</p> <p>23 that was issued where that was looked at to see if</p> <p>24 there was anything that could be done?</p> <p>25 A. I don't have direct knowledge of any</p>	<p style="text-align: right;">Page 16</p> <p>1 BY MR. CROSBY:</p> <p>2 Q. If there was anything that could have</p> <p>3 been done within the power of the County</p> <p>4 administrator or department heads to protect from</p> <p>5 Jim Beckert's harassing behavior, that should have</p> <p>6 been done?</p> <p>7 A. You mean -- I'm still not understanding</p> <p>8 --</p> <p>9 Q. Is it --</p> <p>10 A. -- exactly how you're wording the</p> <p>11 question.</p> <p>12 Q. Well, would you agree that if there</p> <p>13 were actions that could have been done to protect</p> <p>14 from Jim Beckert's harassing behavior, that any</p> <p>15 available avenue should have been pursued?</p> <p>16 MR. ANDERSON: Object to the form.</p> <p>17 THE WITNESS: Oh, absolutely. Would</p> <p>18 have been, certainly would have been by Gary and my</p> <p>19 opinion would have been pursued by Gary Kubic and</p> <p>20 would have been pursued by me in my role. We just</p> <p>21 never could come up with anything that seemed to</p> <p>22 have any likelihood of success. It was very</p> <p>23 frustrating.</p> <p>24 BY MR. CROSBY:</p> <p>25 Q. Did you ever have any conversations</p>
<p style="text-align: right;">Page 15</p> <p>1 conversations that may have taken place between</p> <p>2 Gary and attorneys or Gary and the governor's</p> <p>3 office or Gary and whoever. I mean I had second --</p> <p>4 I have secondhand information that those</p> <p>5 conversations took place, but no firsthand</p> <p>6 information.</p> <p>7 Q. Did you ever see any -- anything in</p> <p>8 writing that came to the conclusion that nothing</p> <p>9 could be done to stop Jim Beckert from harassing</p> <p>10 employees and others on County property?</p> <p>11 A. I don't recall seeing anything like</p> <p>12 that.</p> <p>13 Q. You certainly felt that -- or -- strike</p> <p>14 that.</p> <p>15 You certainly would have liked to have</p> <p>16 been able to do something to protect these</p> <p>17 employees from harassment?</p> <p>18 A. Oh, my gosh, yes. Absolutely.</p> <p>19 Q. And if there would have been anything</p> <p>20 within the power of the County administrator that</p> <p>21 could have been done to protect them, that should</p> <p>22 have been done, correct?</p> <p>23 MR. BUYCK: Note my objection.</p> <p>24 THE WITNESS: Would you repeat that,</p> <p>25 please.</p>	<p style="text-align: right;">Page 17</p> <p>1 over the years with Maria Walls about her concerns</p> <p>2 about Jim Beckert's behavior?</p> <p>3 A. Yes. I can't tell you how many, but it</p> <p>4 was probably quite a few.</p> <p>5 Q. Was that something that was a constant</p> <p>6 topic between you and Maria where she would bring</p> <p>7 up her concerns about Jim Beckert?</p> <p>8 A. Yes.</p> <p>9 Q. In your observations or in what she</p> <p>10 told you, did you learn as to whether she feared</p> <p>11 for her physical safety?</p> <p>12 A. I can't answer that. I don't know the</p> <p>13 answer to that.</p> <p>14 Q. But what she would relay to you was</p> <p>15 that she was being harassed by Jim Beckert?</p> <p>16 MR. ANDERSON: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. CROSBY:</p> <p>19 Q. When --</p> <p>20 A. Excuse me, I just remembered I have got</p> <p>21 another phone to turn off. That's it. I promise</p> <p>22 there are no more.</p> <p>23 Q. When -- sometime after Maria Walls</p> <p>24 filed her lawsuit against the County, did you learn</p> <p>25 that Jim Beckert's access to the County</p>

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<p style="text-align: right;">Page 18</p> <p>1 Administration Building had been restricted?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me how you came to learn of that.</p> <p>4 A. I believe that the then-County</p> <p>5 administrator told us that -- told the County</p> <p>6 Council at an executive session. It wasn't -- it</p> <p>7 was after Gary. This was Ashley Jacobs.</p> <p>8 Q. She told council that she had taken the</p> <p>9 steps to restrict his access --</p> <p>10 A. Correct.</p> <p>11 Q. -- and prohibit -- prohibit him from</p> <p>12 having any contact with County employees?</p> <p>13 A. Yeah, let me, if I may, clarify</p> <p>14 something I said a minute ago that we had no</p> <p>15 executive sessions to talk about Jim Beckert. That</p> <p>16 was under Gary Kubic. But I can't recall any, but</p> <p>17 now we're moving forward to Ashley Jacobs and under</p> <p>18 Ashley Jacobs we did have, I don't remember, one or</p> <p>19 two, but we had at least one.</p> <p>20 Q. Okay. Well, I was going to ask you</p> <p>21 about Ashley Jacobs. So did Ashley Jacobs ever</p> <p>22 relay comp- -- complaints about Jim Beckert's</p> <p>23 harassment of County employees?</p> <p>24 A. Yes.</p> <p>25 Q. What do you recall about your</p>	<p style="text-align: right;">Page 20</p> <p>1 I just don't recall it. I think I have read every</p> <p>2 article involving Mr. Beckert that's been written.</p> <p>3 I may have missed one because I'm out of town quite</p> <p>4 a bit, but I usually catch up when I come back,</p> <p>5 so...</p> <p>6 Q. Were there any -- ever any discussions</p> <p>7 in executive session about Jim Beckert's treatment</p> <p>8 of County employees?</p> <p>9 A. Yes.</p> <p>10 Q. When -- when would that have occurred?</p> <p>11 A. Sometime in the first half of 2020.</p> <p>12 Q. And what was -- what -- what brought</p> <p>13 that to be an item of executive session?</p> <p>14 A. Well, my impression was that</p> <p>15 Ms. Jacobs -- Ms. Jacobs was extremely frustrated</p> <p>16 dealing with Jim Beckert, as was Gary Kubic, the</p> <p>17 difference being that I had a lot more daily</p> <p>18 communication with Gary Kubic than I had with</p> <p>19 Ms. Jacobs simply because I wasn't the chairman</p> <p>20 beginning in 2020.</p> <p>21 Q. What do you recall about --</p> <p>22 A. Or -- or '19, for that matter.</p> <p>23 Q. What do you recall about the specifics</p> <p>24 that she was relaying to council about her</p> <p>25 frustrations with Jim Beckert?</p>
<p style="text-align: right;">Page 19</p> <p>1 conversations with Ms. Jacobs?</p> <p>2 A. A lot of her complaints about Jim</p> <p>3 Beckert had to do with his job performance.</p> <p>4 Q. Well, would -- I'm talking about</p> <p>5 specific to his harassment of County employees.</p> <p>6 A. Right. I'm trying to recall if she --</p> <p>7 she very well may have, but I can't -- I can't</p> <p>8 swear that that happened, that she did, that she</p> <p>9 talked about his harassment. She very -- I'm sorry</p> <p>10 to say I just don't specifically remember. I had</p> <p>11 so many conversations with so many people about his</p> <p>12 harassment, that I'm not sure if she was one.</p> <p>13 I had conversations with her about Jim</p> <p>14 Beckert, but I'm not sure if harassment was part of</p> <p>15 those con- -- it may -- may well have been, but I'm</p> <p>16 not sure.</p> <p>17 Q. Did she ever relay to you that Jim</p> <p>18 Beckert exhibited harassing behavior toward her?</p> <p>19 A. She never said that directly to me. I</p> <p>20 think -- I think I may have heard that secondhand,</p> <p>21 but I'm not sure.</p> <p>22 Q. Did -- did -- did you read in any</p> <p>23 newspaper articles where she was quoted as that, as</p> <p>24 having been harassed by Jim Beckert?</p> <p>25 A. If there was an article, I read it, but</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I recall that her primary focus was</p> <p>2 getting the tax bills out and getting the --</p> <p>3 closing the books, getting the CAFR out and his --</p> <p>4 his role in those things, particularly the tax</p> <p>5 bills.</p> <p>6 Q. Well, and what about specific to his</p> <p>7 conduct toward County employees and others on</p> <p>8 County property?</p> <p>9 A. It was discussed, but I can't remember</p> <p>10 the particulars of it.</p> <p>11 Q. Was there any executive action</p> <p>12 discussed that -- that was proposed to be taken</p> <p>13 with regard to Jim Beckert's conduct toward County</p> <p>14 employees?</p> <p>15 A. Yes. I don't know who came up with</p> <p>16 this idea. I may have known at the time, but I</p> <p>17 don't know now. Somebody came up with the idea</p> <p>18 that we could exclude him or, I'm sorry, that the</p> <p>19 administrator had control over the building, the</p> <p>20 County Office Building and, therefore, had the</p> <p>21 authority to exclude him from that building and</p> <p>22 that was going to be the action taken and, in fact,</p> <p>23 that was the action taken.</p> <p>24 Q. Now, that was after the lawsuits were</p> <p>25 filed?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. I can't -- I don't know what the</p> <p>2 sequence was.</p> <p>3 Q. Other than that, do you recall any</p> <p>4 action that was discussed with regard to Jim</p> <p>5 Beckert's conduct toward --</p> <p>6 A. Yes, I heard some conversations about</p> <p>7 going to the governor, but they were -- they were</p> <p>8 secondhand conversations and so...</p> <p>9 Q. That was something that was discussed</p> <p>10 in executive session or just something that was</p> <p>11 talked with outside of?</p> <p>12 A. No, I don't recall it being discussed</p> <p>13 in executive session, but I do recall it being</p> <p>14 discussed between myself and Josh Gruber, Gary</p> <p>15 Kubic.</p> <p>16 Q. With regard to the County administrator</p> <p>17 having the power or control over access to the</p> <p>18 buildings, whatever that timing was, was there any</p> <p>19 vote on that or was it just a discussion that she</p> <p>20 actually, the County administrator, possessed that</p> <p>21 power?</p> <p>22 A. My recollection is that in executive</p> <p>23 session, Ashley Jacobs proposed that idea. There</p> <p>24 was never a vote, to my knowledge, and as a -- as I</p> <p>25 recall, she proposed it as something within her</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Was that something that she complained</p> <p>2 to you about on multiple occasions?</p> <p>3 A. Yes.</p> <p>4 Q. Was the -- the complaint typically the</p> <p>5 same, that Beckert was harassing her?</p> <p>6 A. Well, a lot of her complaints had to do</p> <p>7 with his -- because she was the chief financial</p> <p>8 officer and responsible for the finance of the --</p> <p>9 of the County, she -- a lot of her complaints,</p> <p>10 certainly not all of them, but a lot of them had to</p> <p>11 do with his job performance. But yes, she also</p> <p>12 complained about his harassment.</p> <p>13 Q. Did she --</p> <p>14 A. To me.</p> <p>15 Q. -- complain to you that he was causing</p> <p>16 her discomfort and stress?</p> <p>17 A. I'm struggling to answer that question</p> <p>18 because I'm not sure if -- if my conversation with</p> <p>19 her was privileged, so...</p> <p>20 Q. I don't -- I don't know how it would</p> <p>21 be, but as her attorney, it's okay to tell me.</p> <p>22 A. Okay. No, I think there were other</p> <p>23 things that frustrated her as well, but yes, Jim</p> <p>24 Beckert was certainly one of them.</p> <p>25 Q. Did she relay to you that she was</p>
<p style="text-align: right;">Page 23</p> <p>1 authority to do. It didn't require a vote.</p> <p>2 Q. The -- the County does have control</p> <p>3 over the County property, correct?</p> <p>4 A. Absolutely.</p> <p>5 Q. So that's basically what she was</p> <p>6 suggesting is, as in her role as the highest</p> <p>7 ranking County employee, she had the authority to</p> <p>8 make that -- take that type of action?</p> <p>9 MR. BUYCK: Note my objection.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MR. CROSBY:</p> <p>12 Q. There was no vote taken that night</p> <p>13 to -- or in that meeting to give her special power?</p> <p>14 A. No, I only -- I only wish that I had</p> <p>15 thought of it. I only wish Gary Kubic had thought</p> <p>16 of it. As far as I know, Gary Kubic didn't think</p> <p>17 of it, Josh Gruber didn't think of it, and I didn't</p> <p>18 think of it, so, but somebody did at some point and</p> <p>19 I think it -- so...</p> <p>20 Q. Do you re- -- did you have more than</p> <p>21 one conversation with Alicia Holland --</p> <p>22 A. Yes.</p> <p>23 Q. -- about Beckert's behavior towards</p> <p>24 her?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 stressed about whether that Jim was causing her</p> <p>2 stress in -- in doing her job?</p> <p>3 A. Yes.</p> <p>4 Q. Let me give you a couple of documents</p> <p>5 and I'll let him take a break so you can look at</p> <p>6 them.</p> <p>7 MR. CROSBY: What exhibit numbers are</p> <p>8 these?</p> <p>9 MS AVANT: (Inaudible.)</p> <p>10 THE WITNESS: Take a break, like make a</p> <p>11 call? Or take a break, like wait for them?</p> <p>12 MR. BUYCK: You can make a call.</p> <p>13 MR. CROSBY: Let's just go off the</p> <p>14 record.</p> <p>15 THE VIDEOGRAPHER: We are going off</p> <p>16 record. The time is 2:42 p.m.</p> <p>17 (A Recess transpired.)</p> <p>18 (EXHIBIT 14, Letter, 3-6-18, was marked</p> <p>19 for identification.)</p> <p>20 (EXHIBIT 15, E-Mail, 5-21-19, was</p> <p>21 marked for identification.)</p> <p>22 (EXHIBIT 16, E-Mail, 8-7-20, was marked</p> <p>23 for identification.)</p> <p>24 (EXHIBIT 17, E-Mail, 8-19-20, was</p> <p>25 marked for identification.)</p>

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<p>1 THE VIDEOGRAPHER: We are back on</p> <p>2 record. The time is 2:55 p.m.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q. Mr. Sommerville, can you get the</p> <p>5 document that's marked as Exhibit 16?</p> <p>6 A. Yes.</p> <p>7 Q. Is that an e-mail from Alicia Holland</p> <p>8 to you?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall why she would have been</p> <p>11 forwarding you her resignation letter at this point</p> <p>12 in time?</p> <p>13 A. I'm sorry?</p> <p>14 Q. Do you recall why she would have</p> <p>15 been -- I think she had already left the County's</p> <p>16 employment by this time. Do you know why she would</p> <p>17 have been forwarding you her resignation letter?</p> <p>18 A. I don't recall specifically, no.</p> <p>19 Q. Did y'all bump into each other or have</p> <p>20 a conversation whereby that came up and later she</p> <p>21 sent you this?</p> <p>22 A. I recall have -- well, I had numerous</p> <p>23 conversations with her since she left. I recall</p> <p>24 one conversation that had to do with her</p> <p>25 resignation and I think I remember saying, "I have</p>	<p>1 anyone else?</p> <p>2 A. I don't recall.</p> <p>3 Q. It looks like Ashley Jacobs had sent it</p> <p>4 to yourself and the other members of -- of council.</p> <p>5 A. That's what it appears to me. It</p> <p>6 appears that I received it and forwarded it to</p> <p>7 Alicia.</p> <p>8 Q. And where she indicates in that first</p> <p>9 line where she says that, "He," being Jim Beckert,</p> <p>10 "has harassed and bullied Maria, myself," Maria and</p> <p>11 herself, you would agree that that's -- Jim</p> <p>12 Beckert's conduct was, toward Maria Walls and</p> <p>13 Alicia Holland, was -- would be considered as</p> <p>14 harassment and bullying in nature?</p> <p>15 A. Well, I never witnessed any of this</p> <p>16 firsthand, but this is the way Jim Beckert's</p> <p>17 actions were characterized to me by Maria and</p> <p>18 Alicia.</p> <p>19 Q. All right. When they would talk to you</p> <p>20 about it, they would relay it in those terms, that</p> <p>21 he was a bully and that he was harassing them?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever witness Jim Beckert</p> <p>24 exhibit that type of behavior to anyone?</p> <p>25 A. The only thing I recall seeing him do</p>
Page 27	Page 29
<p>1 never seen your resignation" so that may have</p> <p>2 triggered it.</p> <p>3 Q. And she later forwarded that to you</p> <p>4 with her comments about her decision to leave?</p> <p>5 A. Yes, yes.</p> <p>6 Q. And then Exhibit No. 17 looks like a</p> <p>7 reply to an e-mail received from you to Alicia</p> <p>8 Holland. Is that where she wrote back and said</p> <p>9 that, "Jim Beckert is a sick and dangerous</p> <p>10 individual. He has harassed and bullied Maria,</p> <p>11 myself, and Ebony that I am aware of. There may be</p> <p>12 others I'm not aware of. Jim is the primary reason</p> <p>13 I left my employment with Beaufort County."</p> <p>14 Did you forward to Alicia Holland a</p> <p>15 copy of the lawsuit that was filed by Maria Walls?</p> <p>16 A. I may have. I don't -- I don't</p> <p>17 specifically recall. I -- I'm trying to think if I</p> <p>18 had it. I'm pretty sure I had it.</p> <p>19 Q. I mean, it has at the top of it, the</p> <p>20 subject line in -- in that e-mail, the next e-mail</p> <p>21 down is from you to Alicia Holland and the subject</p> <p>22 is "Maria Walls versus Beaufort County."</p> <p>23 A. I don't doubt that I did. I just don't</p> <p>24 specifically recall it.</p> <p>25 Q. Do you know if you forwarded it to</p>	<p>1 was he had a phone that he liked to carry out where</p> <p>2 everybody could see it. At least that was my</p> <p>3 impression. Maybe some people carry their phone</p> <p>4 anyway, maybe some people just walk around with it.</p> <p>5 But I guess it was Maria or Alicia who said that --</p> <p>6 that he was recording them and as a -- as a method</p> <p>7 of harassing them.</p> <p>8 Q. And you -- you had witnessed that</p> <p>9 yourself?</p> <p>10 A. Well, I witnessed him -- witnessed him</p> <p>11 with a phone in his hand, but I don't know. I</p> <p>12 can't say what he was doing with it. I mean, I --</p> <p>13 Q. It appeared to you that he could have</p> <p>14 been recording?</p> <p>15 A. He certainly could have been.</p> <p>16 MR. ANDERSON: Object to the form.</p> <p>17 BY MR. CROSBY:</p> <p>18 Q. When he would walk around with it, he</p> <p>19 would have the camera side pointing out?</p> <p>20 A. I don't recall.</p> <p>21 Q. On Exhibit 15, it references hiring an</p> <p>22 outside firm to help determine if the millage had</p> <p>23 been calculated correctly. Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. And that the cost was going to be</p>

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Ex. 3
Beaufort County Adopts Testimony:
Topic 7: Instances of Bullying Involving Beckert



Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Gary T. Kubic

April 7, 2021

Holland, Aliciav. Beaufort County et al

<p style="text-align: right;">Page 34</p> <p>1 conflicts that were occurring between the auditor 2 and the treasurer at that time. 3 Q. And in essence SouthData was willing to 4 give up the county's account if they had to have 5 anymore dealings with Jim Beckert? 6 MR. J. ANDERSON: Object to the form. 7 THE WITNESS: I'm not sure exactly what 8 SouthData's position was with the overall contract 9 with the county. But I think they basically had 10 told me, without this letter at the time, that they 11 did not want to take any verbal instructions from 12 Mr. Beckert. 13 And I kept trying to convince them that 14 Maria Walls, Jim Beckert, Gary Kubic, we are trying 15 to work these things out. But I guess it reached a 16 point where they said, hey, it's not worth the -- 17 the business of the county. 18 BY MR. CROSBY: 19 Q. It says their own Exhibit 9 for 20 SouthData to renew contract IFB 081214, we're 21 requesting the county to include an addendum 22 guaranteeing that SouthData will no longer be 23 required to directly communicate with the Beaufort 24 County Auditor's Office. 25 So it sounds like they were</p>	<p style="text-align: right;">Page 36</p> <p>1 individual -- to have to deal with a particular 2 individual? 3 A. Let me limit my answer to say that 4 during my time with Beaufort County, this is the 5 only case I've ever had where a company that we 6 contracted with would want to withdraw from the 7 contract based on these types of circumstances. I 8 can't remember all the way back to 1980 and '90 9 and -- 10 Q. And who was Dave Thomas? Was he 11 someone under your supervision? 12 A. Dave Thomas was under the chain of 13 command of Alicia Holland. He was the director of 14 purchasing. Since I am the county administrator, 15 all those employees are under my chain of command, 16 but he directly reported to Alicia Holland. 17 Q. And it's my understanding that steps 18 were taken to have Maria Walls be the one that were 19 communicating with SouthData under these contracts? 20 MR. J. ANDERSON: Object to the form. 21 THE WITNESS: Yes. If you understand 22 the significance of this process, all general 23 revenue created by a tax bill, real or personal, 24 came through this printing process. So the 25 importance from my point of view of getting this</p>
<p style="text-align: right;">Page 35</p> <p>1 willing to -- weren't going to renew that contract 2 if they had to deal with Jim Beaufort? 3 A. I think what they were saying in the 4 letter, my interpretation of the letter, was they 5 were willing to continue their service with 6 Beaufort County, but not take any instruction or 7 changes from Mr. Beckert in that regard; that they 8 would continue to provide a service, but they 9 didn't want to do it with Mr. Beckert. 10 And I know that sounds like 11 gobbledygook, but I guess they were basically 12 saying, look, if it was Maria Walls or Gary Kubic 13 or someone else, we can handle it. But they didn't 14 want to continue the relationship as it was 15 originally established. 16 Q. In Exhibit 10 in the forth paragraph, 17 it says: We produce billing and assessment 18 documents for approximately 140 counties in the 19 southeast and have never experienced a level of 20 frustration nor have we ever requested that any 21 portion of a contract be terminated. 22 Have you ever had in your experience in 23 government ever had a private vendor make such an 24 expression that they would give up a portion of a 25 contract or make a request not to have a particular</p>	<p style="text-align: right;">Page 37</p> <p>1 done efficiently and timely was critical. 2 And so my directive to these folks is, 3 look, if you don't want to talk to Jim Beckert and 4 you don't want to take his phone calls, stay with 5 us, you know our system, you've been with us for a 6 while, Maria will do the contacting or I'll do the 7 contacting with you, and we'll be able to continue 8 so that the, quote/unquote, tax bills are available 9 in a timely fashion for the charging and collection 10 of the revenue produced by taxes as directed by 11 Beaufort County Council. 12 BY MR. CROSBY: 13 Q. In watching Jim Beckert's interaction 14 with county employees and -- as well as Maria Walls 15 over the years, would you describe his behavior or 16 his -- as -- as being of a bullying nature? 17 A. I would describe Mr. Beckert's actions 18 that if he didn't like you, he was very aggressive 19 in how he conducted himself amongst those 20 individuals. He was a very aggressive -- he 21 harassed everybody, I mean, to the point where I 22 know a lot of my staff, you know, didn't want to 23 meet. And I would try to make myself available as 24 a conduit, a mediator so that business could still 25 be conducted without all the friction generated by</p>

10 (Pages 34 - 37)

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Gary T. Kubic

April 7, 2021

Holland, Aliciav. Beaufort County et al

<p style="text-align: right;">Page 38</p> <p>1 Mr. Beckert.</p> <p>2 Q. Would his aggressiveness, would you</p> <p>3 describe it as abusive toward individuals at times?</p> <p>4 MR. J. ANDERSON: Object to the form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. CROSBY:</p> <p>7 Q. And I take it what you did by locking</p> <p>8 the doors, at least with regard to your staff and</p> <p>9 his access to them, was an attempt to protect them</p> <p>10 from what one would describe as a hostile</p> <p>11 environment?</p> <p>12 MR. J. ANDERSON: Object to form.</p> <p>13 THE WITNESS: I would say generally the</p> <p>14 answer is yes. The idea of separation, obviously,</p> <p>15 is to keep each side away from each other. And so</p> <p>16 my intent was to limit, because you cannot be</p> <p>17 exclusive.</p> <p>18 In the working conditions and product</p> <p>19 that we were required to produce for the taxpayer,</p> <p>20 you have occasions where people doing their</p> <p>21 functions have to interact with others.</p> <p>22 So physically putting a lock on the</p> <p>23 door was one method. The second method would be to</p> <p>24 try to include or avoid one-on-one situations so</p> <p>25 that you'd have more people in the meetings, and</p>	<p style="text-align: right;">Page 40</p> <p>1 of their efforts.</p> <p>2 Given those facts, Mr. Beckert gave</p> <p>3 several people the impression during meetings</p> <p>4 and -- and -- that he was just confrontational. I</p> <p>5 mean, they were always nervous. And that's why I</p> <p>6 tried to increase my presence at committee meetings</p> <p>7 if I knew he was going to be there or meetings that</p> <p>8 involved Alicia or Maria, I tried to be there.</p> <p>9 The auditor's office and the</p> <p>10 treasurer's office is hand in glove. They cannot</p> <p>11 work independently and produce a product that</p> <p>12 satisfies the needs of the taxpayer. They -- and</p> <p>13 that's why in my opinion, and I'm going well beyond</p> <p>14 in my response, is I don't think you need in this</p> <p>15 day and age of technology two separately elected</p> <p>16 officials, auditor and treasurer, to generate a tax</p> <p>17 bill, whether it's personal property or real</p> <p>18 property. But that's -- that's for another</p> <p>19 election or referendum.</p> <p>20 BY MR. CROSBY:</p> <p>21 Q. In what -- in what you've -- in your</p> <p>22 response there and your prior responses, because of</p> <p>23 Mr. Beckert's aggressiveness toward individuals</p> <p>24 working for the county and in it, he -- you created</p> <p>25 a system where you served as a conduit and/or, I</p>
<p style="text-align: right;">Page 39</p> <p>1 the idea or intent of that was to soften and</p> <p>2 hopefully modify behavior patterns of individuals</p> <p>3 because they were in a group setting rather than a</p> <p>4 one-on-one setting.</p> <p>5 BY MR. CROSBY:</p> <p>6 Q. Wouldn't an ordinary functioning of</p> <p>7 county government with regard to the auditor and</p> <p>8 treasurer, would there typically just be free</p> <p>9 access between, for example, the auditor and</p> <p>10 someone on your staff so that they could -- if they</p> <p>11 needed something they could reach directly out to</p> <p>12 them?</p> <p>13 MR. J. ANDERSON: Object to the form.</p> <p>14 THE WITNESS: Well, the purpose first</p> <p>15 and foremost of every elected official in every</p> <p>16 unit of government is to provide whatever their</p> <p>17 level of duty and responsibility is to serve the</p> <p>18 needs of the taxpayer.</p> <p>19 Whether you like an individual or you</p> <p>20 don't like an individual, in my world, my</p> <p>21 authority, is not relevant. I can dislike an</p> <p>22 employee but not confront them, verbally abuse</p> <p>23 them. As long as their work product is 100 percent</p> <p>24 and sufficient, I never thought I would have to</p> <p>25 like or dislike anyone. I want to see the results</p>	<p style="text-align: right;">Page 41</p> <p>1 guess, attending more meetings sort of as a</p> <p>2 protector?</p> <p>3 MR. BUYCK: Note my objection.</p> <p>4 BY MR. CROSBY:</p> <p>5 Q. -- for your employees --</p> <p>6 MR. J. ANDERSON: Object to the form.</p> <p>7 BY MR. CROSBY:</p> <p>8 Q. I mean, the reason you did that was an</p> <p>9 attempt to protect your employees from</p> <p>10 Mr. Beckert's --</p> <p>11 A. There --</p> <p>12 Q. -- aggressive and abusive behaviors --</p> <p>13 A. There were two reasons.</p> <p>14 MR. BUYCK: Same objection.</p> <p>15 MR. J. ANDERSON: Same objection.</p> <p>16 THE WITNESS: There were two reasons:</p> <p>17 One, the primary focus to produce a product that</p> <p>18 would satisfy the needs of the taxpayer. Two, it</p> <p>19 was to make sure that those present in the meeting,</p> <p>20 elected or not elected, understood that we are all</p> <p>21 together to get that done, that the objective of</p> <p>22 the meeting was to produce product. And, three, to</p> <p>23 your point, indirectly to protect or to give</p> <p>24 comfort from my presence to employees who felt</p> <p>25 that -- uncomfortable with Mr. Beckert, that they</p>

11 (Pages 38 - 41)

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In the Matter of:

ALICIA HOLLAND

VS.

**BEAUFORT COUNTY, and JAMES BECKERT,
Individually, and in his official capacity**

Ebony Sanders

September 28, 2021



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Ebony Sanders - 9/28/2021

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1 Q All right. And do you recall what it was
2 about?
3 A Not clearly what it was about, but I know
4 it was about a form -- it was about taxation. I
5 can tell you that much from what I can recollect.
6 Q And when -- when you say conflict, can you
7 help me understand what your definition of conflict
8 with him would be?
9 A My definition of conflict with -- on
10 the -- when you're defining the word conflict, it's
11 not only -- it's not consideration of a
12 disagreement. We have disagreements with people.
13 That's not what I'm looking at. Conflict to me
14 would be intimidation, retaliation, bullying. Those
15 are the type of things that conflict in my
16 definition would be for Jim Beckert -- with Jim
17 Beckert.
18 Q Can you give us some examples of times
19 when -- or how Mr. -- Mr. Beckert would intimidate
20 you?
21 A Yes.
22 Q Can you please do that?
23 A There's been occasions when he's come to
24 my office, and he's been -- he's intimidated me on
25 one or two occasions, my staff, and I had to address

Page 10

1 that matter accordingly.
2 Q So beyond intimidation of you, he would
3 also intimidate your staff?
4 A That is correct.
5 Q What about an example of how he might
6 bully you?
7 A He's bullied me personally in my office
8 face-to-face, as well as in verbal -- as in written
9 communication that we have received. So we've had
10 those instances as well.
11 Q Can you be more specific about what --
12 what that would look like when he would bully you?
13 A Yes. Accusations of things that are not
14 true. Accusations against my staff that are not
15 true and the department that is not true.
16 Q You're not a political figure, are you?
17 A That is correct.
18 Q So those weren't political differences
19 between -- that Mr. Beckert was trying to hash out?
20 A That is correct.
21 Q What I'm understanding is that he would
22 come in and just falsely accuse you and your staff
23 of not doing your jobs properly?
24 MR. ANDERSON: Object to the form. You
25 can go ahead.

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1 A I'm -- one more time can you ask the
2 question? I got distracted when he objected. But
3 one more time can you ask the question?
4 BY MR. CROSBY:
5 Q Well, with some of the -- the behaviors
6 that Mr. Beckert would exhibit toward you and your
7 staff, would he falsely accuse you of not doing your
8 jobs properly?
9 A That is correct. Yes. He has.
10 Q Can you be more specific? Can you give us
11 some specific examples?
12 A He -- you know, he has accused me of -- he
13 has accused me of -- falsely accused me of treating
14 him -- being a racist. He has accused me of not
15 having the ability to do my job. He has come to my
16 office and bullied my staff, one particular
17 gentleman who has autism, and I had to defend him.
18 Q I'm going to give you what's marked as
19 Exhibit 47.
20 (Plaintiff's Deposition Exhibit No.
21 47 was marked for identification.)
22 A Can you give me a minute?
23 BY MR. CROSBY:
24 Q Yes, ma'am. And if there's more you want
25 to say here, I don't want to cut you off on your

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1 answer.
2 A I just need a minute.
3 Q Ma'am?
4 A I just need a minute.
5 MR. CROSBY: Okay.
6 MR. BUYCK: And what we're going to do is
7 we're going to pass these around. If you'll
8 hand me that exhibit. You're going to keep the
9 one with the yellow, and we're going to keep a
10 circle going around. I'm going to take one,
11 and I'm going to pass one to Mr. Anderson.
12 MR. CROSBY: Thank you, Tom.
13 MR. ANDERSON: You want to explain
14 objections?
15 MR. CROSBY: I thought I did it.
16 BY MR. CROSBY:
17 Q But, again, there may be a time when they
18 object to a question I ask. And I think it just
19 threw --
20 A I understood.
21 Q I figured it just threw you off on what
22 the question was.
23 A Yes. It did. I understand.
24 Q And that does -- that happens.
25 A I do -- I apologize. I do apologize.

3 (Pages 9 to 12)

Ex. 3

**Beaufort County Adopts Testimony:
Topic 8: Instances of Inappropriate Behavior Involving
Beckert**



Deposition of:
Suzanne D. Gregory

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Suzanne D. Gregory
Holland, Aliciav. Beaufort County et al

April 7, 2021

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1 with -- I believe it was the deputy county
2 administrator at the time and another person,
3 who I'm not sure what capacity he worked in at the
4 time, where it was very confrontational.
5 Q. Did any of these ladies indicate to you
6 that Mr. Beckert was partaking in any other
7 behavior that was more than rude, but maybe took it
8 a step further?
9 A. Not that I can recall, no.
10 Q. Are you aware that Mr. Beckert would
11 stare into Maria Walls's window outside of her
12 office?
13 A. I was -- I was told that, yes.
14 Q. Do you recall who told you that?
15 A. I believe it was the county
16 administrator.
17 Q. And who was that at that time? I know
18 Beaufort County has been through quite a few
19 lately.
20 A. Gary Kubic.
21 Q. And was that documented in your
22 department?
23 A. Not in my department. I believe Gary
24 Kubic may have documented that.
25 Q. Why weren't these complaints or these

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1 comments documented anywhere?
2 A. Comments weren't documented because it
3 was casual conversation that -- that I wasn't
4 approached in a serious manner. It was -- it was
5 almost just here's another Jim Beckert situation,
6 you know, here -- and -- and it -- no one walked --
7 no one walked into my office of the list I gave you
8 and said: I have a problem with Jim Beckert. It
9 was just we were talking about this, the other, and
10 then his name would come up.
11 Q. And what was the -- do you remember the
12 context of the other conversation? Was it other
13 HR-related issues?
14 A. I don't recall.
15 Q. I guess I'm trying to figure out your
16 definition of a comment --
17 A. Uh-huh.
18 Q. -- to figure out whether it's something
19 that should have been documented, because we looked
20 at the -- the handbook earlier, and it states in
21 there that any complaint should be documented in
22 written form.
23 A. Uh-huh.
24 Q. And when you've got multiple, as you've
25 termed them, comments about the same individual,

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1 I'm trying to figure out why they weren't written
2 down somewhere. So what is your understanding of
3 comment?
4 A. A comment is something stated in a
5 conversation that -- I -- I don't know how to
6 answer that.
7 Q. If someone were to call you about a
8 situation involving employee A and employee B, that
9 they were not involved in, just something that they
10 observed --
11 A. Uh-huh.
12 Q. -- would that be documented or would
13 employee A have to come sit down in your office in
14 a serious manner for you to document that?
15 A. If someone came to me about employee A
16 and B having a conversation or a problem, I would
17 likely contact employee A or B to look into it if
18 it was a serious matter.
19 Q. And did you ever contact Jim Beckert
20 about the, as you -- as you have termed them,
21 comments against him? Did you ever contact him to
22 discuss them with him?
23 A. No. I -- I made administration aware
24 of anything that went on because they were dealing
25 with him as an elected official at the time the

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1 best they could.
2 Q. And what were they dealing with him on?
3 Was there another issue going on that you're aware
4 of?
5 A. I -- I -- I believe there were several
6 issues going on with him, but one was his behavior.
7 Q. And when there is an issue with his
8 behavior, he was the director of human resources,
9 you were not involved in that?
10 A. No, not directly. Because, there
11 again, he's an elected official, not a county
12 employee, and I had no authority over him.
13 Q. So, if human resources doesn't have any
14 authority over him as an elected official, why did
15 human resources require him to complete an
16 orientation checklist and sign the Computer and
17 Information Systems Acceptable Use Policy and gave
18 him a handbook?
19 A. It's my understanding at the time this
20 was done, he was in the transition period. And
21 before he was sworn in, he was considered a county
22 employee -- a temporary county employee. That's
23 why he had to complete this paperwork.
24 Q. Is it your understanding that once he
25 became an elected official, he no longer had to

10 (Pages 34 - 37)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

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1 tried to do that, but I think there's some
2 case law out there about that.
3 BY MR. CROSBY:
4 Q There's some case law there that
5 indicates that the county does have discretion in
6 that regard?
7 MR. BUYCK: Note my objection.
8 THE WITNESS: You know, I mean, it's been
9 a while since I've looked at the case, so I'm
10 not really sure, to tell you the truth. I'd
11 have to look at it to discuss it, but we've
12 never gotten involved in a tussle with an
13 elected official about where their office is
14 or should be.
15 BY MR. CROSBY:
16 Q Until Mr. Beckert?
17 MR. ANDERSON: Objection to form.
18 THE WITNESS: Yeah. Well, like I said, I
19 wasn't involved in that decision, so I really
20 don't know what the dynamics were.
21 BY MR. CROSBY:
22 Q With regard to the complaints --
23 Let me ask you this: Who have you known
24 to complain about Mr. Beckert's, quote-unquote,
25 abusive behavior?

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1 A The reason I'm hesitating to answer is
2 because lots of people have complained about his
3 behavior, but I don't know that a lot of people
4 have complained about his abusive behavior. Not
5 trying to draw too fine a line, but lots of people
6 have complained about his behavior.
7 Maria Walls complained about it. Gary
8 Kubic complained about it. I've complained about
9 it. Josh Gruber's complained about it. Alicia
10 Holland's complained about it. Ebony Sanders has
11 complained about it. Maria -- Alicia Holland, of
12 course, complained about it. I mean, virtually
13 anybody who's dealt with Mr. Beckert has complained
14 about him being difficult.
15 Q And a number of those people that you
16 complain -- that you listed there complained that
17 he was more than difficult, that he was abusive
18 toward them?
19 MR. BUYCK: Note my objection.
20 MR. ANDERSON: Objection.
21 THE WITNESS: Some. You know, I mean,
22 some did, yeah, sure. Maria did. Alicia did.
23 I mean, Chris Inglese complained about it.
24 He's a former deputy county administrator.
25 John Weaver complained about it. I mean,

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1 everybody's complained about it.
2 BY MR. CROSBY:
3 Q Tell me, were you ever asked to look into
4 what could be done to prevent county employees and
5 others on the -- inhabiting the county buildings as
6 to what could be done?
7 MR. BUYCK: Note my objection. If you've
8 been asked anything in your official capacity
9 as an attorney, and there's an attorney-client
10 privilege to be asserted relative to this
11 question, if it was done in your official
12 capacity as providing advice to your clients,
13 which would be the county, then we're going to
14 assert a privilege.
15 THE WITNESS: Anything I would have been
16 asked in that -- in that -- in that manner
17 would have been in my role as one of the
18 county attorneys, so --
19 BY MR. CROSBY:
20 Q Did you ever research that issue?
21 MR. BUYCK: Same objection.
22 THE WITNESS: It would have been in my
23 role as a county attorney for a client. I
24 have to be careful about the Rules of
25 Professional Conduct, so --

Page 24

1 BY MR. CROSBY:
2 Q Well, once Beckert was removed, has he
3 taken any action, to your knowledge, to contest the
4 relocation of his office?
5 A He protested once, to my knowledge, and
6 asked the legal department to provide him with
7 authority that allowed the administration to remove
8 him to the records management.
9 Q Was that done?
10 A No, no, we did not.
11 Q Who made the decision not to respond?
12 A I did. I advised the county
13 administrator that I believed it was Mr. Beckert's
14 responsibility to provide us authority if he
15 thought there was any that prohibited us -- or
16 prohibited the administration from requiring him to
17 move to the records management office. As far as I
18 know, he never provided any.
19 Q And that's true up until -- to your
20 knowledge, up until the present?
21 A As we sit here today, I'm not aware of
22 him ever providing any authority indicating that
23 the county could not do anything.
24 Q Outside of being asked to officially give
25 legal advice on that, were you aware of, over this

6 (Pages 21 to 24)

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<p style="text-align: right;">Page 45</p> <p>1 to him that what he was saying was inaccurate?</p> <p>2 A I don't have an independent recollection</p> <p>3 of having talked to him, but I indicate in my email</p> <p>4 that we had explained -- we had explained this to</p> <p>5 him previously. As I said, we'd explained Item A</p> <p>6 to Mr. Beckert. He simply doesn't like the answer,</p> <p>7 and he won't accept it.</p> <p>8 Q And that was -- quite often if you</p> <p>9 explained something to Mr. Beckert that was</p> <p>10 contrary to what he was saying, he wouldn't like</p> <p>11 the answers?</p> <p>12 MR. ANDERSON: Objection.</p> <p>13 THE WITNESS: There were times when he</p> <p>14 disagreed with us, yes.</p> <p>15 BY MR. CROSBY:</p> <p>16 Q And you write here: He would rather</p> <p>17 continue his personal crusade against the treasurer</p> <p>18 by alleging she's violating state law?</p> <p>19 A Yes.</p> <p>20 Q And you believed he had a personal</p> <p>21 crusade against Maria Walls?</p> <p>22 MR. ANDERSON: Objection.</p> <p>23 THE WITNESS: He seemed -- he seemed to,</p> <p>24 yes, by that time.</p> <p>25 BY MR. CROSBY:</p>	<p style="text-align: right;">Page 46</p> <p>1 Q Did you also observe over time that he</p> <p>2 had a crusade against Alicia Holland?</p> <p>3 MR. ANDERSON: Objection.</p> <p>4 THE WITNESS: No, I didn't. I didn't</p> <p>5 learn about problems that Alicia and</p> <p>6 Mr. Beckert had until later on, and my</p> <p>7 impression was that I learned about them at or</p> <p>8 about the time they arose. I don't think that</p> <p>9 was as early as February in 2018.</p> <p>10 The problems with Mr. Beckert and</p> <p>11 Ms. Walls started immediately when they both</p> <p>12 got sworn in. I mean, they had disagreements,</p> <p>13 they weren't necessarily acrimonious, but as</p> <p>14 the disagreements continued, they got more</p> <p>15 intense, they got acrimonious, but Ms. Holland</p> <p>16 was not involved initially.</p> <p>17 BY MR. CROSBY:</p> <p>18 Q And you write here: Frankly, I believe</p> <p>19 that is defamatory per se, and what you mean by</p> <p>20 that is that by accusing her -- falsely accusing</p> <p>21 Ms. Walls of violating state statutes, that could</p> <p>22 harm her reputation?</p> <p>23 MR. ANDERSON: Objection.</p> <p>24 MR. BUYCK: Note my objection.</p> <p>25 THE WITNESS: Harm her representation in</p>
<p style="text-align: right;">Page 47</p> <p>1 her profession.</p> <p>2 BY MR. CROSBY:</p> <p>3 Q Yeah.</p> <p>4 A Right?</p> <p>5 Q Then you say you suspect it's only a</p> <p>6 matter of time before she decides she's had enough</p> <p>7 and takes some kind of action, which I guess you</p> <p>8 accurately predicted, it just might have took</p> <p>9 longer than you thought?</p> <p>10 A Yes.</p> <p>11 Q And then you say: If Mr. Kubic were</p> <p>12 still here, he would have taken action by now.</p> <p>13 A Yes.</p> <p>14 Q What do you think that Mr. Kubic would</p> <p>15 have done?</p> <p>16 A Well, Mr. Kubic -- so here we're talking</p> <p>17 in February of 2018. Mr. Kubic had been gone since</p> <p>18 September of 2017 and actually really kind of</p> <p>19 really since the summer of 2017 when his parents --</p> <p>20 when his mother died first and then his dad died.</p> <p>21 But Mr. Kubic was a very hands-on guy.</p> <p>22 He was a -- so I think he would have been much more</p> <p>23 aggressive in talking to Mr. Beckert, you know,</p> <p>24 frankly and candidly, and I think that his absence</p> <p>25 just kind of allowed -- created a bit of a vacuum</p>	<p style="text-align: right;">Page 48</p> <p>1 that Mr. Beckert filled.</p> <p>2 Q What is -- let me ask, before we move on</p> <p>3 to that, did Alicia Holland ever discuss with you</p> <p>4 any issues she was having with Jim Beckert?</p> <p>5 A She did, and I believe she did that in a</p> <p>6 personal -- not as a county attorney, as a just</p> <p>7 one-on-one personal relationship.</p> <p>8 Q And tell me what she relayed to you.</p> <p>9 A You know, this is a long time ago, and as</p> <p>10 you know, a lot has gone on since 2015 here. We've</p> <p>11 been through four administrators, interim and not,</p> <p>12 and it's just kind of hard to keep some of these</p> <p>13 things straight.</p> <p>14 But it's my recollection that in -- that</p> <p>15 a real controversy seemed to arise between Alicia</p> <p>16 and Jim Beckert in 2019 when he started challenging</p> <p>17 her calculation of the value of the mill. And the</p> <p>18 value of the mill was critical because -- to county</p> <p>19 government because it is the basis for determining</p> <p>20 how many mills people will be taxed on their tax</p> <p>21 bill.</p> <p>22 And the budgets are done in the spring,</p> <p>23 and they have to be passed by state law. County</p> <p>24 budgets have to be passed by June 30th. And so in</p> <p>25 figuring out what your budget is, county council</p>

12 (Pages 45 to 48)

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1 has to figure out what their expenses are, what
2 they're going to buy, what they're not going to
3 buy, what their personnel costs are going to be,
4 and all of that.

5 So unlike most of us, you know, when
6 we're in private practice, you think, okay, well,
7 what are my revenues, and then I'll kind of figure
8 out what my overhead can be and what my expenses
9 can be. Government is more like, well, what are
10 our expenses, and everybody tries to keep them down
11 as much as they can, and then they say, okay, well,
12 how much money -- how many mills do we have to
13 charge the taxpayers in order to make that
14 expenditure? And in order to do that, you've got
15 to figure out what the value of the mill is because
16 that figure -- that determines how many mills
17 people are charged.

18 So the value of the mill is very
19 important, and when Mr. Kubic was here, Mr. Kubic
20 had a finance background, came here from Ohio and
21 was in some capacity I think in finance. I know
22 that was his background. And he and Alicia worked
23 very well together. And Alicia was our CFO, she's
24 a CPA, and she's an amazingly capable person and
25 professional.

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1 And she had been calculating the value of
2 the mill -- she and her department, the finance
3 department, had been calculating the value of the
4 mill for budget purposes for years and years and
5 years, and Mr. Beckert decided he wanted to get
6 involved in that issue, and he started challenging
7 Alicia's -- the process she used to calculate the
8 value of the mill, and that was the issue that I
9 became aware of.

10 And I remember being in a meeting with
11 her one day and -- one morning over by my office,
12 and she and I and maybe one or two other assistant
13 county administrators, and she was like sitting to
14 my right, and she said, "Tom, I just feel like I'm
15 having heart issues." I told her she needed to
16 call her doctor immediately and get in to her
17 doctor. And she was saying it was because
18 Mr. Beckert was just haranguing her and wouldn't
19 let up on her, and it was having -- taking a
20 physical toll on her.

21 So that's really -- that was the -- that
22 was the -- kind of the summer. It was the summer
23 of 2019 that I recall.

24 Q And was it just the one occasion that she
25 confided in you?

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1 A No, no. She confided in me several
2 times, but just on person-to-person, not as a
3 county attorney. She wasn't calling me and asking
4 me for legal advice as a county attorney about how
5 to handle Mr. Beckert.

6 But I recommended that she -- we have no
7 control over Mr. Beckert. Everybody knows we have
8 no control over Mr. Beckert, and she knew we didn't
9 because she was a witness to all the stuff that had
10 been going on with Maria, because, obviously, Maria
11 and Alicia work together. It's all finance. It's
12 numbers. Maria collects the revenue, and Alicia
13 accounts for it and all of that, so everybody --
14 you know, everybody works hand in hand and closely
15 on these issues.

16 And so yeah -- so yeah, so she and I
17 talked many times about it.

18 Q Did you ever -- let me ask you this:
19 What steps, if any, did Ashley Jacobs take to
20 intervene on Ms. Holland's behalf?

21 A Like I said, Ms. Jacobs and I did not
22 have a good relationship, and we didn't talk. I
23 mean, I think the last time -- we just -- the last
24 time we talked productively was probably early
25 summer/late spring of 2019, so by the time that

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1 Alicia was telling me of these issues, Ms. Jacobs
2 and I had a strained relationship.

3 Q What was the source of that?

4 A I really don't know. I mean, I can
5 speculate, but there's no purpose in that.

6 Q You never learned why y'all -- why your
7 relationship became strained?

8 A No, no.

9 Q So you're -- as we sit here, are you
10 aware of anything that Ms. Jacobs did to -- with
11 regard to Ms. Holland's situation with Jim Beckert?

12 A I don't know what she did or didn't do.
13 Truly, I have no information.

14 Q In the accusations that Mr. Beckert would
15 make with regard to Ms. Walls violating statutes,
16 did you ever make a determination that she had
17 violated state law?

18 A Oh, I don't -- I don't think I ever
19 concluded that either one of them violated state
20 law, certainly not intentionally violated state
21 law. I can't sit here and say I remember telling
22 Maria that I disagreed with her interpretation of
23 the statute, but I can imagine that happened. I'm
24 confident that I -- I don't have independent
25 recollection of specific issues with Mr. Beckert,

13 (Pages 49 to 52)

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1 with me actually. But those who did deal with her
2 said you just wouldn't know one day -- from one day
3 to the next which Ashley Jacobs was going to show
4 up to work, Ms. Jekyll or Ms. Hyde, so --

5 Q Do you think that the -- you stated that
6 the budget process, she touted herself as a budget
7 expert, had a whole bunch of workshops which
8 increased Ms. Holland's stress. Is that --

9 A Yeah, because Ms. Jacobs didn't -- I
10 mean, it was pretty clear she really didn't have a
11 handle on what she was trying to do, and she was --
12 poor Alicia was chasing her tail.

13 Q Do you believe she overly involved
14 herself in the CFO's job? And when I say "CFO,"
15 I'm referring to Ms. Holland.

16 A I think that she -- based on what little
17 information I had with regard to that, my
18 impression is that she did and that she -- Jacobs,
19 too, was probably frustrated by Beckert's
20 involvement injecting himself in the process. She
21 had no control over him, as we've talked about so
22 much, but, you know, she had to deal with that
23 problem too.

24 Q I note that you mentioned most -- the
25 people that you called out in your -- that you

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1 identified as within your grievance were all men.

2 A Well, I didn't identify --

3 Q Is that correct?

4 A I didn't identify anybody in here. I
5 didn't -- in this letter, I didn't identify
6 anybody. I just said that there were past and --
7 present and former employees.

8 Q In your testimony. Thank you.

9 A Yes.

10 Q In your testimony, you identified a
11 couple of people?

12 A Yeah, uh-huh.

13 Q And they were all -- they were all men.
14 Is that correct?

15 A Uh-huh.

16 Q Do you think that Ms. Jacobs fostered an
17 environment of misandry throughout Beaufort County?

18 A That she did what?

19 Q Fostered an environment of misandry.

20 A I don't know what misandry is.

21 Q It's the opposite of misogyny.

22 A You know, no. She wasn't hostile to all
23 men.

24 Q Was she just hostile to successful,
25 self-confident, older men?

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1 A Uh-huh. That was my experience. I mean,
2 you could be my age and be diminutive and be a guy,
3 and you'd get along with her.

4 Q Okay. Would you say that Chris Inglese
5 is someone who is self-confident?

6 A At times.

7 Q Okay. Is he a -- does he stand up for
8 himself?

9 A Well, at times.

10 Q Okay. You're kind of qualifying that
11 answer. Would you say most of the time or not all
12 the time or --

13 A Not most of the time.

14 Q Not most of the time.

15 A Mostly during reviews, performance
16 reviews.

17 Q Let me jump off all that.

18 As of now, does the Beaufort
19 County administrator -- does the Beaufort County
20 legal office consider that the employees of elected
21 officials are subject to the grievance process?

22 A Yes.

23 Q Okay. So they're grandfathered into the
24 grievance process?

25 A I don't know what "grandfathered" means.

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1 What do you mean?

2 Q I mean, well, they're not employees of
3 the county, right?

4 A That's right, that's right.

5 Q But they do follow the grievance process
6 that the county has established. Is that --

7 A That's because -- that's because the
8 elected official who's in charge of the office has
9 agreed to abide by the rules and regulations set
10 forth in the handbook.

11 Q And that's what we talked about in, what,
12 Exhibit 18 or Exhibit 19 or something like that?

13 A Right, right.

14 Q Okay. If a grievance comes down against
15 the elected official, do they have to abide by it?

16 A No.

17 Q We've had a lot of testimony about
18 Mr. Beckert and his mannerisms.

19 A Mannerisms?

20 Q Yeah, his mannerisms. Do you find his
21 mannerisms awkward, the way he presents himself to
22 the world?

23 A No.

24 Q Have you ever noticed him inappropriately
25 staring somewhere?

23 (Pages 89 to 92)

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1 A Sure.
 2 Q Is that a strange mannerism to you?
 3 A It's inappropriate. It's intimidating.
 4 Q What else?
 5 A It's unprofessional. It's demeaning.
 6 Q Is it awkward?
 7 A No.
 8 Q It's not awkward? You don't -- wouldn't
 9 find that awkward at all if someone was just --
 10 A To be staring?
 11 Q -- inappropriately staring at you?
 12 A Well, I don't know. He hasn't -- he
 13 hasn't really glared at me.
 14 Q Well, I didn't say "glare," I said
 15 "stare."
 16 A Glare, stare, I think they're the same
 17 thing.
 18 Q Well, there's a different connotation,
 19 right?
 20 A He's never stared me down.
 21 Q Okay. Wouldn't it be awkward?
 22 A It would be odd.
 23 Q Fair enough. All right. I think that's
 24 all I've got, so I'll go ahead and pass right now,
 25 but thank you. I appreciate it.

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1 disputes that are outside the bounds of what the
 2 county itself is -- can be involved in, correct?
 3 A Correct.
 4 Q And these political disputes may arise
 5 between an auditor and a treasurer, much like that
 6 set forth in this May 27th, 2016, letter to the
 7 Department of Revenue, correct?
 8 A Right, from the department, yeah.
 9 Q From the department. But it was -- it
 10 was an issue that was identified. And if two
 11 elected officials have a political dispute, such as
 12 taking differing positions, can they themselves
 13 litigate that in court?
 14 A Sure.
 15 Q And you were asked about the approval
 16 process of attorney fees. Can these political
 17 offices, being the treasurer or the auditor, use
 18 their own budgeted funds in a manner that they see
 19 fit, for instance, to retain -- independently
 20 retain counsel for their offices?
 21 A Well, there's a dispute about that,
 22 actually. Some electeds think they can. The
 23 county administrator's position is no. If you
 24 abide by the procurement code, you have to get
 25 authorization to do that. But, you know, if they

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1 EXAMINATION
 2 BY MR. BUYCK:
 3 Q Tom, I do have a few quick questions,
 4 In the beginning of the deposition, you
 5 were asked questions about who has complained about
 6 Mr. Beckert's behavior, and you gave five or six
 7 names, but was that meant to be an all-inclusive
 8 listing of people that have complained about his
 9 behavior?
 10 A Oh, no, no, no.
 11 Q For instance, Paul Sommerville and others
 12 have already testified in the record about
 13 complaining about his behaviors and members of the
 14 county council themselves, correct?
 15 A Yes, yes.
 16 Q And that takes me to this next issue of
 17 the elected official and the power of the
 18 Department of Revenue over the treasurer and the
 19 auditor's office, correct?
 20 A Right.
 21 Q These elected officials are elected in
 22 the same manner as Beaufort County councilmen,
 23 correct?
 24 A Correct.
 25 Q And sometimes there are political

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1 wanted to file a lawsuit, if Maria wanted to file a
 2 lawsuit against Jim, Jim wanted to file a lawsuit
 3 against Maria, they could include as a cause of
 4 action require the county to compensate them for
 5 their legal fees.
 6 Q Okay. But these budgets that are
 7 provided to those offices, do the offices have
 8 independent duties to spend their funds as they see
 9 fit, to some extent?
 10 A Yeah, to some extent, right.
 11 Q In regards to the disputes between
 12 Ms. Walls and Mr. Beckert, were these long-standing
 13 disputes from when they were both elected to office
 14 in, what was that, 2014?
 15 A They were elected in '14, took office in
 16 '15.
 17 Q Okay. And as such, just as you wrote
 18 your grievance and complaint in accordance with the
 19 county handbook, have you ever seen Ms. Walls
 20 having submitted such a grievance and complaint in
 21 a written format as this at any time prior to
 22 Mr. Beckert's reelection in 2018?
 23 A Well, if I did, that would be in the
 24 context of my position as a county attorney, so I
 25 don't think I'm really at liberty to talk about

24 (Pages 93 to 96)



Deposition of:
Gary T. Kubic

April 7, 2021

In the Matter of:
Holland, Aliciav. Beaufort County et al

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Gary T. Kubic

April 7, 2021

Holland, Aliciav. Beaufort County et al

<p style="text-align: right;">Page 6</p> <p>1 by Beaufort County council in November of 2003. My 2 official start date was January 2004. 3 Q. Did you also attend law school? 4 A. Yes. 5 Q. Did you obtain a law degree? 6 A. Yes. 7 Q. Did you ever practice as an -- 8 A. No. 9 Q. -- attorney? 10 A. No. 11 Q. When did you obtain a law degree? 12 A. 1982. 13 Q. Okay. As you know, we're wanting to 14 talk to you about some of your -- your work while 15 you were at Beaufort -- with Beaufort County. And 16 were you employed as the county administrator 17 for -- starting in 2004 or 2003 up until when? 18 A. My official start date was January 1, 19 2004. My last day of service was, I believe, 20 September 30th, 2017. 21 Q. And you retired from -- 22 A. Yes. I retired from service. 23 Q. In your work as county administrator, 24 was Alicia Holland one of the employees that you 25 had under your supervision?</p>	<p style="text-align: right;">Page 8</p> <p>1 ability to do her job? 2 A. I would rate Alicia as an excellent 3 employee: Professional, intelligent, extremely 4 hard-working, always available to discuss issues 5 and problem-solving, and tireless. Excellent 6 employee. I have -- one of -- one of the best CFOs 7 I've ever had. 8 Q. And in your -- could you give 9 me those -- oh, you got those -- you got the ones I 10 passed to you? No. 11 So you -- you would have -- let me ask 12 you this: In your time at -- with the county after 13 Jim Beckert was elected as auditor, did you ever 14 become aware of any complaints about Mr. Beckert's 15 behavior toward any of your employees? 16 A. Yes. 17 Q. How about expound on that generally, 18 and we'll get into more specifics. 19 A. Okay. That's a pretty broad question, 20 so I'll -- I'll broadly answer it, and then we can 21 narrow it down to specifics. I'll start with my -- 22 my association -- my relationship with -- with 23 Mr. Beckert -- 24 Q. Okay. 25 A. -- because I think that's a good</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes. 2 Q. And what was Alicia Holland's position? 3 A. She was our chief fiscal officer, our 4 CFO. 5 Q. And what was -- what does -- what does 6 that mean in lay terms? What was her job? 7 A. Well, basically Alicia was responsible 8 for recording and maintaining all expenditures, 9 budgetary management, contract management, 10 expenditures on roadways. Anything that involved 11 the financial process through the general fund, 12 through the proprietary funds, through the trust 13 funds, Alicia was responsible for those. 14 Q. And did you also have interaction with 15 the -- I guess, in the last few years of your 16 employment with Maria Walls? 17 A. Yes. 18 Q. And she was the elected treasurer? 19 A. Yes, she was. 20 Q. And would you also have interaction 21 with the auditor in those last few years, Jim 22 Beckert? 23 A. Yes. 24 Q. How was Alicia Holland as an employee 25 as far as her competence and her willingness --</p>	<p style="text-align: right;">Page 9</p> <p>1 starting point. 2 Mr. Beckert replaced Sharon Burris who, 3 quite frankly, was a terrible manager in the 4 auditor's office, and the expectations of her 5 leaving with -- and having another elected official 6 in the office, at least from my perspective, were 7 quite high. 8 We established a relationship through 9 monthly meetings, trying to also explain various 10 procedures that involved budgetary management, how 11 to prepare a budget, how to submit a budget, 12 employee management. 13 And after a few -- I don't know -- a 14 few monthly meetings, where it became very 15 difficult to work in terms of discussion with 16 Mr. Beckert on procedural matters, relationships 17 with the auditor's office and Beaufort County 18 council, the auditor's office and myself and my 19 various employees, I stopped having those monthly 20 meetings because it was my view that they were not 21 very productive, and all it ended up being was a he 22 said/she said disagreement process where no real 23 progress was being made. 24 And so I shifted my approach in terms 25 of that relationship, auditor to administration, to</p>

3 (Pages 6 - 9)

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April 7, 2021

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<p style="text-align: right;">Page 10</p> <p>1 use basically written documents, letters, and those 2 kinds of things to document my position or document 3 a next step as to how we were to proceed, whether 4 it be budget or employee management or contracts. 5 That's my perspective. And what I 6 found out in terms of staff, generally speaking, my 7 staff did not want to associate with Mr. Beckert. 8 And it got to a point where I had to, based on some 9 of the things that my staff was telling me -- you 10 know, the building was divided into two halves 11 where I had to separate and lock the doorway that 12 would allow entry from his side of the office into 13 my corridor. And that was done primarily because 14 of complaints from the female staff on my side. 15 Q. And those were staff that work under -- 16 under you? 17 A. Monica Spells, Cheryl Harris, Sue 18 Rainey, members of the HR team primarily. 19 Q. And what was the nature of the 20 complaints that your staff was relaying to you? 21 A. They felt uncomfortable having to be 22 with Mr. Beckert. I think they used the word 23 creepy. And so I figured it would be better just 24 to separate the staff and limit the association to 25 those moments when we had to have discussions on a</p>	<p style="text-align: right;">Page 12</p> <p>1 And so I did certain steps periodically based on 2 what was brought to me and how I thought I could 3 best resolve them. 4 Q. Was the nature of the complaints that 5 you were getting such that Mr. -- that what 6 Mr. Beckert's conduct would be deemed 7 unprofessional toward these female employees? 8 A. Granted that I wasn't present during 9 those moments, but relying upon what my staff told 10 me, my answer would be: Yes, they are -- they -- 11 it wasn't a professional discussion. 12 And one of the things that evolved from 13 it was we put hallway cameras in the hallways 14 initially for security purposes to protect the 15 auditor's office because it was an office that 16 invited general public in. Also, security right 17 next door for the treasurer's office where the 18 collection of money would -- would go. 19 And I had access as county 20 administrator because I am in charge of all campus 21 buildings. I had the ability to monitor the 22 cameras in my office at all sites. And I then 23 decided to limit the monitoring of the associated 24 cameras, and I think I restricted one or two in the 25 hallway from Mr. Beckert because I thought that it</p>
<p style="text-align: right;">Page 11</p> <p>1 particular item that involved Mr. Beckert's 2 department and myself. And so we basically kept it 3 on a very -- as professional as we can with noted 4 separation. 5 Q. And you -- as the highest ranking 6 county employee, you had to have some interaction 7 with -- with the auditor? 8 A. That's correct. 9 Q. And what you're telling me is that 10 because of the complaints that you were receiving 11 about -- from your staff about Mr. Beckert's 12 conduct toward them that you took a step of 13 blocking off or cordoning off your employees so 14 that they didn't have access to him? 15 A. Yes. 16 Q. How far into Mr. Beckert's term as 17 auditor did this occur? 18 A. Well, it wasn't right away, and I had 19 been out of the business -- been away from the 20 county for a while. So you're giving me a memory 21 teaser. I'd say three to six months as -- as the 22 initial start. There are documents that show when 23 I stopped having my monthly meetings. 24 These various actions were generated at 25 different times. They did not all occur at once.</p>	<p style="text-align: right;">Page 13</p> <p>1 was not necessary for him to see hallway activity. 2 And I got some information from staff 3 members that he would appear in the hallway, and 4 they just thought it was kind of ironic, so I 5 restricted that as well. 6 Q. Would the information you were getting 7 from staff with regard to his use of the cameras, 8 was it such that they believed that he was using 9 the cameras to determine when they would enter the 10 hallway and step out and interact with them? 11 A. Yes. 12 Q. Did they complain that his interactions 13 made them feel uncomfortable? 14 A. Yes. 15 Q. Did they complain to you that his 16 interactions made them feel threatened? 17 A. Being threatened in terms of a physical 18 threat, I'm not as certain. Being threatened sort 19 of in an emotional feeling of just generally being 20 uncomfortable, with that qualification, I would say 21 yes. But I'm -- I'm not certain that it rose to a 22 point of physically being threatened. 23 Q. Well, we're going to talk to each one 24 of them, and we'll -- we'll get their take on that. 25 But obviously you're taking action because of</p>

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1 Mr. Beckert's actions and what your staff related
2 to you?
3 A. Yes.
4 Q. And you as their supervisor and the --
5 in your role as county administrator, you had an
6 obligation to provide a nonhostile, comfortable
7 workplace for your staff --
8 MR. J. ANDERSON: Object to the form.
9 THE WITNESS: That's correct.
10 BY MR. CROSBY:
11 Q. -- correct?
12 I mean, it's important to -- for their
13 productivity and for their -- their well-being to
14 be free from any type of discomfort caused by
15 others in the workplace, correct?
16 MR. J. ANDERSON: Object to the form.
17 THE WITNESS: Yes.
18 BY MR. CROSBY:
19 Q. Did any of the employees at your
20 staff -- let's keep with them right now -- did any
21 of the staff relate to you that Mr. Beckert would
22 from time to time just stare at them?
23 A. Starting with myself, yes, stare from
24 the sidewalk through my window. I used to get to
25 work early. I caught him several times just

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1 looking through the window standing there. It was
2 kind of odd. I even had mentioned it to the
3 sheriff a few times and others.
4 Maria Walls had indicated to me that
5 she felt that Mr. Beckert was staring at her
6 through her office window. As a result of that, I
7 think I told her to advise the sheriff as well, to
8 notify him that she felt uncomfortable. And then I
9 also authorized security cameras at that corner to
10 have the ability to video those occurrences, and
11 also for general security of the building itself.
12 I think it -- you know, I'm -- I'm
13 going back. I hope I get -- Monica Spells, I
14 think, told me a few times that Mr. Beckert
15 demanded access through a card swipe to our side of
16 the building, and I told her that -- you could
17 program the various access points for those cards.
18 And as a result of talking with her, I told her not
19 to program access for Mr. Beckert on -- on that
20 doorway that accessed my office space, that area,
21 that corridor.
22 Q. Where is your office -- I think the
23 treasurer's office is on the first floor of the
24 county building?
25 A. Yes.

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1 Q. Get my directions, maybe the
2 treasurer's office would be on the south end?
3 A. Well, I don't have a compass, and I
4 couldn't tell you --
5 Q. Where --
6 A. -- which way the sun rose on the
7 buildings. But basically it's a rectangle building
8 which is divided in half, two corridors. The front
9 corridor facing Ribaut Road had the treasurer and
10 the auditor, I think a mailroom, planning on that
11 side. And on the other side was the clerk of
12 council, myself, some of my staff members for --
13 for Monica Spells, Beaufort County channel, and at
14 the end was the HR division.
15 So that was parallel -- there were
16 parallel corridors. And in between was a central
17 reception area at one time where the general public
18 could come in and access the offices, and that door
19 I restricted coming into my area. You could buzz
20 and have somebody come in and -- if it was a
21 taxpayer or another official, we would let them
22 through the doorway.
23 Q. Let's go back to you -- your
24 interaction with Mr. Beckert and his staring in
25 your window. How many times did that occur?

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1 A. Well, I didn't count them, but if
2 you're talking about -- you know, I don't know. I
3 never really took a count. It was almost at least
4 once or twice a week. It would depend on when he
5 arrived at work, and generally I'd get there about
6 7:00, 7:30. He'd get there early as well. He
7 parked right across from my window. And I never
8 really took a count, but it was more than one, and
9 it could be, you know, 20, 30. I -- I'm not sure.
10 Q. And he would -- you didn't -- did he
11 ever have a conversation about why it was that he
12 would stand outside your window?
13 A. No. I really never talked to him about
14 it.
15 Q. Did -- it sounds like you got to the
16 point where you were just limiting your interaction
17 with him in professional business settings?
18 A. You know, looking through my window and
19 being a county administrator, I was going to use a
20 BS kind of language, but quite frankly I had more
21 important things to consider in my duties than to
22 worry about a person and why that person would be
23 staring or looking at me through my window. I just
24 thought it was unusual, and I treated it that way.
25 You know, I just -- I moved on in my daily

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<p style="text-align: right;">Page 18</p> <p>1 activities.</p> <p>2 Q. Just -- just to be clear, was -- were</p> <p>3 there other people who would routinely come to your</p> <p>4 window and just stare at you?</p> <p>5 A. Well, I like to think that I was a</p> <p>6 popular kind of guy and fairly good-looking, but I</p> <p>7 lost all my hair, and then that kind of eliminated</p> <p>8 that possibility pretty much.</p> <p>9 No, I don't mean to be frivolous. I</p> <p>10 know this is an important matter. But no. No.</p> <p>11 And what made it unique from normal</p> <p>12 traffic on the sidewalk by the public or other</p> <p>13 elected officials or staff, those occurrences</p> <p>14 occurred when it was early in the morning with only</p> <p>15 a few people in the building at that time. It was</p> <p>16 at the beginning of the day, and that's what I</p> <p>17 thought was interesting.</p> <p>18 Q. Did you ever get the sense that he was</p> <p>19 doing it to intimidate you?</p> <p>20 A. I don't know. I -- I have no idea what</p> <p>21 he was thinking about. And quite frankly, my</p> <p>22 personality, I wouldn't have thought that he was</p> <p>23 doing it to intimidate -- at least I wasn't</p> <p>24 intimidated by it, per se, because I figured I'm a</p> <p>25 big boy, and that's kind of incidental. So not</p>	<p style="text-align: right;">Page 20</p> <p>1 counsel her on visiting and -- and making sure that</p> <p>2 she related those incidents to the proper</p> <p>3 authorities, that being the sheriff. I told her I</p> <p>4 would introduce a video camera to record those</p> <p>5 events. And, yeah, she was visibly upset. She --</p> <p>6 it troubled her.</p> <p>7 Q. And so while the cameras may have had a</p> <p>8 secondary function of providing -- serving as</p> <p>9 security, the -- the -- the initial driver was</p> <p>10 because of Mr. Beckert's coming and staring</p> <p>11 at Maria -- through Maria Walls's window?</p> <p>12 MR. J. ANDERSON: Object to the form of</p> <p>13 the question.</p> <p>14 THE WITNESS: I would say that's true.</p> <p>15 I would also say that the camera is in plain view,</p> <p>16 and the idea was that, you know, generally if you</p> <p>17 walked in that area and you looked up or you knew</p> <p>18 that the cameras were rolling as security that it</p> <p>19 would maybe serve as a deterrent, which was the</p> <p>20 ultimate intent, to stop that action from</p> <p>21 happening.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. Did you ever learn of him staring at</p> <p>24 any other employees or any employees other than</p> <p>25 yourself of the county?</p>
<p style="text-align: right;">Page 19</p> <p>1 knowing his motives, I really don't know.</p> <p>2 I guess it was probably to maybe create</p> <p>3 a signal that he was present. But I did -- I did</p> <p>4 go to the sheriff because, you know, at various</p> <p>5 times I've been required to wear bulletproof vests</p> <p>6 and different kinds of things on campus in Beaufort</p> <p>7 County because of threats, and so just to get on</p> <p>8 record -- and I didn't do it in writing; I just</p> <p>9 mentioned it to the sheriff -- this is occurring in</p> <p>10 the morning. And he said, well, you know, do</p> <p>11 you -- do you want to continue or do you want to do</p> <p>12 anything for him?</p> <p>13 I said, no, I just want you to know.</p> <p>14 And that was the extent of it.</p> <p>15 Q. Just talk about his behavior toward --</p> <p>16 staring with regard to Maria Walls. Did she relay</p> <p>17 that to you?</p> <p>18 A. Yes, several times.</p> <p>19 Q. And when she relayed it, it was</p> <p>20 something that she didn't like?</p> <p>21 A. Yeah. That -- you know, that was -- my</p> <p>22 interpretation of what Maria expressed to me in</p> <p>23 those moments about Mr. Beckert looking in her</p> <p>24 window, she was clearly upset, she was clearly</p> <p>25 worried about physical harm. I would try to</p>	<p style="text-align: right;">Page 21</p> <p>1 A. The only other -- no. The only other</p> <p>2 employee that mentioned some occurrences outside</p> <p>3 the building or along the building was Tony</p> <p>4 Criscitiello, the planning director. But, again,</p> <p>5 Tony didn't think too much of it, but he did</p> <p>6 mention it to me that he thought Mr. Beckert was --</p> <p>7 was interested in the planning division.</p> <p>8 I think maybe at that time Mr. Beckert</p> <p>9 wanted to get a couple of tables or whatever, but</p> <p>10 you'd have to check with Tony. But I think Tony</p> <p>11 did mention it to me once or twice.</p> <p>12 Q. Did Monica Spells ever tell you that</p> <p>13 Beckert stared at her in the hall and made her feel</p> <p>14 uncomfortable?</p> <p>15 A. Yes.</p> <p>16 Q. How about Melissa Beere -- Beere?</p> <p>17 A. Who?</p> <p>18 MR. KEAVENY: Beere. Melissa Beere.</p> <p>19 MR. CROSBY: Beere.</p> <p>20 THE WITNESS: Where does she work at?</p> <p>21 MR. KEAVENY: HR.</p> <p>22 BY MR. CROSBY:</p> <p>23 Q. I think she worked in --</p> <p>24 A. Oh, Melissa. No, I don't think I had a</p> <p>25 conversation with Melissa about that.</p>

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<p style="text-align: right;">Page 34</p> <p>1 conflicts that were occurring between the auditor 2 and the treasurer at that time. 3 Q. And in essence SouthData was willing to 4 give up the county's account if they had to have 5 anymore dealings with Jim Beckert? 6 MR. J. ANDERSON: Object to the form. 7 THE WITNESS: I'm not sure exactly what 8 SouthData's position was with the overall contract 9 with the county. But I think they basically had 10 told me, without this letter at the time, that they 11 did not want to take any verbal instructions from 12 Mr. Beckert. 13 And I kept trying to convince them that 14 Maria Walls, Jim Beckert, Gary Kubic, we are trying 15 to work these things out. But I guess it reached a 16 point where they said, hey, it's not worth the -- 17 the business of the county. 18 BY MR. CROSBY: 19 Q. It says their own Exhibit 9 for 20 SouthData to renew contract IFB 081214, we're 21 requesting the county to include an addendum 22 guaranteeing that SouthData will no longer be 23 required to directly communicate with the Beaufort 24 County Auditor's Office. 25 So it sounds like they were</p>	<p style="text-align: right;">Page 36</p> <p>1 individual -- to have to deal with a particular 2 individual? 3 A. Let me limit my answer to say that 4 during my time with Beaufort County, this is the 5 only case I've ever had where a company that we 6 contracted with would want to withdraw from the 7 contract based on these types of circumstances. I 8 can't remember all the way back to 1980 and '90 9 and -- 10 Q. And who was Dave Thomas? Was he 11 someone under your supervision? 12 A. Dave Thomas was under the chain of 13 command of Alicia Holland. He was the director of 14 purchasing. Since I am the county administrator, 15 all those employees are under my chain of command, 16 but he directly reported to Alicia Holland. 17 Q. And it's my understanding that steps 18 were taken to have Maria Walls be the one that were 19 communicating with SouthData under these contracts? 20 MR. J. ANDERSON: Object to the form. 21 THE WITNESS: Yes. If you understand 22 the significance of this process, all general 23 revenue created by a tax bill, real or personal, 24 came through this printing process. So the 25 importance from my point of view of getting this</p>
<p style="text-align: right;">Page 35</p> <p>1 willing to -- weren't going to renew that contract 2 if they had to deal with Jim Beaufort? 3 A. I think what they were saying in the 4 letter, my interpretation of the letter, was they 5 were willing to continue their service with 6 Beaufort County, but not take any instruction or 7 changes from Mr. Beckert in that regard; that they 8 would continue to provide a service, but they 9 didn't want to do it with Mr. Beckert. 10 And I know that sounds like 11 gobbledygook, but I guess they were basically 12 saying, look, if it was Maria Walls or Gary Kubic 13 or someone else, we can handle it. But they didn't 14 want to continue the relationship as it was 15 originally established. 16 Q. In Exhibit 10 in the forth paragraph, 17 it says: We produce billing and assessment 18 documents for approximately 140 counties in the 19 southeast and have never experienced a level of 20 frustration nor have we ever requested that any 21 portion of a contract be terminated. 22 Have you ever had in your experience in 23 government ever had a private vendor make such an 24 expression that they would give up a portion of a 25 contract or make a request not to have a particular</p>	<p style="text-align: right;">Page 37</p> <p>1 done efficiently and timely was critical. 2 And so my directive to these folks is, 3 look, if you don't want to talk to Jim Beckert and 4 you don't want to take his phone calls, stay with 5 us, you know our system, you've been with us for a 6 while, Maria will do the contacting or I'll do the 7 contacting with you, and we'll be able to continue 8 so that the, quote/unquote, tax bills are available 9 in a timely fashion for the charging and collection 10 of the revenue produced by taxes as directed by 11 Beaufort County Council. 12 BY MR. CROSBY: 13 Q. In watching Jim Beckert's interaction 14 with county employees and -- as well as Maria Walls 15 over the years, would you describe his behavior or 16 his -- as -- as being of a bullying nature? 17 A. I would describe Mr. Beckert's actions 18 that if he didn't like you, he was very aggressive 19 in how he conducted himself amongst those 20 individuals. He was a very aggressive -- he 21 harassed everybody, I mean, to the point where I 22 know a lot of my staff, you know, didn't want to 23 meet. And I would try to make myself available as 24 a conduit, a mediator so that business could still 25 be conducted without all the friction generated by</p>

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Page 38	<p>1 Mr. Beckert.</p> <p>2 Q. Would his aggressiveness, would you</p> <p>3 describe it as abusive toward individuals at times?</p> <p>4 MR. J. ANDERSON: Object to the form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. CROSBY:</p> <p>7 Q. And I take it what you did by locking</p> <p>8 the doors, at least with regard to your staff and</p> <p>9 his access to them, was an attempt to protect them</p> <p>10 from what one would describe as a hostile</p> <p>11 environment?</p> <p>12 MR. J. ANDERSON: Object to form.</p> <p>13 THE WITNESS: I would say generally the</p> <p>14 answer is yes. The idea of separation, obviously,</p> <p>15 is to keep each side away from each other. And so</p> <p>16 my intent was to limit, because you cannot be</p> <p>17 exclusive.</p> <p>18 In the working conditions and product</p> <p>19 that we were required to produce for the taxpayer,</p> <p>20 you have occasions where people doing their</p> <p>21 functions have to interact with others.</p> <p>22 So physically putting a lock on the</p> <p>23 door was one method. The second method would be to</p> <p>24 try to include or avoid one-on-one situations so</p> <p>25 that you'd have more people in the meetings, and</p>	Page 40	<p>1 of their efforts.</p> <p>2 Given those facts, Mr. Beckert gave</p> <p>3 several people the impression during meetings</p> <p>4 and -- and -- that he was just confrontational. I</p> <p>5 mean, they were always nervous. And that's why I</p> <p>6 tried to increase my presence at committee meetings</p> <p>7 if I knew he was going to be there or meetings that</p> <p>8 involved Alicia or Maria, I tried to be there.</p> <p>9 The auditor's office and the</p> <p>10 treasurer's office is hand in glove. They cannot</p> <p>11 work independently and produce a product that</p> <p>12 satisfies the needs of the taxpayer. They -- and</p> <p>13 that's why in my opinion, and I'm going well beyond</p> <p>14 in my response, is I don't think you need in this</p> <p>15 day and age of technology two separately elected</p> <p>16 officials, auditor and treasurer, to generate a tax</p> <p>17 bill, whether it's personal property or real</p> <p>18 property. But that's -- that's for another</p> <p>19 election or referendum.</p> <p>20 BY MR. CROSBY:</p> <p>21 Q. In what -- in what you've -- in your</p> <p>22 response there and your prior responses, because of</p> <p>23 Mr. Beckert's aggressiveness toward individuals</p> <p>24 working for the county and in it, he -- you created</p> <p>25 a system where you served as a conduit and/or, I</p>
Page 39	<p>1 the idea or intent of that was to soften and</p> <p>2 hopefully modify behavior patterns of individuals</p> <p>3 because they were in a group setting rather than a</p> <p>4 one-on-one setting.</p> <p>5 BY MR. CROSBY:</p> <p>6 Q. Wouldn't an ordinary functioning of</p> <p>7 county government with regard to the auditor and</p> <p>8 treasurer, would there typically just be free</p> <p>9 access between, for example, the auditor and</p> <p>10 someone on your staff so that they could -- if they</p> <p>11 needed something they could reach directly out to</p> <p>12 them?</p> <p>13 MR. J. ANDERSON: Object to the form.</p> <p>14 THE WITNESS: Well, the purpose first</p> <p>15 and foremost of every elected official in every</p> <p>16 unit of government is to provide whatever their</p> <p>17 level of duty and responsibility is to serve the</p> <p>18 needs of the taxpayer.</p> <p>19 Whether you like an individual or you</p> <p>20 don't like an individual, in my world, my</p> <p>21 authority, is not relevant. I can dislike an</p> <p>22 employee but not confront them, verbally abuse</p> <p>23 them. As long as their work product is 100 percent</p> <p>24 and sufficient, I never thought I would have to</p> <p>25 like or dislike anyone. I want to see the results</p>	Page 41	<p>1 guess, attending more meetings sort of as a</p> <p>2 protector?</p> <p>3 MR. BUYCK: Note my objection.</p> <p>4 BY MR. CROSBY:</p> <p>5 Q. -- for your employees --</p> <p>6 MR. J. ANDERSON: Object to the form.</p> <p>7 BY MR. CROSBY:</p> <p>8 Q. I mean, the reason you did that was an</p> <p>9 attempt to protect your employees from</p> <p>10 Mr. Beckert's --</p> <p>11 A. There --</p> <p>12 Q. -- aggressive and abusive behaviors --</p> <p>13 A. There were two reasons.</p> <p>14 MR. BUYCK: Same objection.</p> <p>15 MR. J. ANDERSON: Same objection.</p> <p>16 THE WITNESS: There were two reasons:</p> <p>17 One, the primary focus to produce a product that</p> <p>18 would satisfy the needs of the taxpayer. Two, it</p> <p>19 was to make sure that those present in the meeting,</p> <p>20 elected or not elected, understood that we are all</p> <p>21 together to get that done, that the objective of</p> <p>22 the meeting was to produce product. And, three, to</p> <p>23 your point, indirectly to protect or to give</p> <p>24 comfort from my presence to employees who felt</p> <p>25 that -- uncomfortable with Mr. Beckert, that they</p>

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<p style="text-align: right;">Page 42</p> <p>1 didn't have to feel that way, that I was there to 2 help all involved, even Mr. Beckert. 3 BY MR. CROSBY: 4 Q. Employees feeling uncomfortable or 5 nervous in the presence of Mr. Beckert, when 6 they're feeling like that, that interferes with 7 number one, isn't it, and that's producing the 8 product for the public? 9 MR. J. ANDERSON: Object to the form. 10 THE WITNESS: I've been a -- I was an 11 administrator for 43 years. People who can't focus 12 on the mission at hand 100 percent won't produce a 13 product that is 100 percent. 14 So, if you have gaps in the process, 15 whether it be individuals or IT software or 16 whatever, you try to find ways to fill the gaps so 17 that the product is the best it can be. 18 And in this case, those two units, the 19 auditor and treasurer, I cannot express how 20 critical that function was. And -- and we 21 facilitated -- you know, when you reach a point 22 where you can't produce a tax bill properly, I 23 decided that we would produce a written protocol 24 that the treasurer and the auditor would follow. 25 The protocol was created. It was</p>	<p style="text-align: right;">Page 44</p> <p>1 know the Bates number of what that would be or how 2 it was identified in your discovery? It might help 3 me without a copy. 4 MS. AVANT: I think the e-mail would 5 begin with Bates number 000283. 6 MR. BUYCK: Okay. Thank you. And that 7 was -- is that the Walls? 8 MS. AVANT: That's in the Walls case. 9 MR. BUYCK: Okay. 10 MS. AVANT: And for some reason, that's 11 not -- that's what -- it's on my screen, but if 12 that's not right, let me know. 13 MR. BUYCK: That's fine. I'm just 14 trying to pull it up. 15 THE WITNESS: DOR. I forgot about 16 this. 17 MR. CROSBY: Mr. Kubic, while you look 18 at that, let me take a quick break off the record 19 and give you a minute to look that over. I'm going 20 to -- 21 THE VIDEOGRAPHER: We are going off 22 record. The time is 2:11 p.m. 23 (A recess transpired.) 24 THE VIDEOGRAPHER: We are back on 25 record. The time is 2:21 p.m.</p>
<p style="text-align: right;">Page 43</p> <p>1 submitted for review to Mr. Beckert, to Maria 2 Walls, to county council for comment. Came back 3 in, we refined the product, went back to council 4 and said: Here's how we're going to produce the 5 tax bill if we follow step one to step two to step 6 three to step four. 7 I don't know if they use that still 8 today or not, but it was an attempt to make sure 9 that everything was able to be completed on a 10 timely basis for the tax bills to go out. 11 MR. CROSBY: Pass that around. 12 (PLF. EXHIBIT 7, E-mail Chain with the 13 Top Line E-mail from Cynthia Bensch Dated 9/22/16, 14 was marked for identification.) 15 MR. CROSBY: This is Exhibit Number 7. 16 MR. BUYCK: You got a Bates number? 17 MR. J. ANDERSON: No. 18 MR. BUYCK: Cynthia Bensch. 19 MR. J. ANDERSON: Ronnie, would you 20 read off the date of the two in the front? 21 MR. CROSBY: The -- the top of it is 22 an -- is an e-mail forwarded September 22nd, 2016, 23 from Cynthia Bensch to Maria Walls. 24 MR. J. ANDERSON: Thank you. 25 MR. BUYCK: Chelsi, do you happen to</p>	<p style="text-align: right;">Page 45</p> <p>1 BY MR. CROSBY: 2 Q. Before we went off, Mr. Kubic, I passed 3 to you Exhibit 7. Did you have an opportunity to 4 look that over? 5 A. Yes. 6 Q. And this is an e-mail exchange between 7 you and someone named Cynthia Bensch? 8 A. Councilman Bensch. 9 Q. She was on council at the time? 10 A. Yes. 11 Q. And what -- what was the -- the general 12 nature of what these communications related to? 13 A. Generally speaking, this is 14 communications that were generated as a result of 15 trying to develop a road map -- a written road map 16 of duties and responsibilities that involved the 17 auditor's office and the treasurer's office, county 18 administration so that each of the areas of 19 responsibility, as this memorandum had indicated, 20 these various steps would be followed, and we would 21 ultimately lead to the generation of a tax bill and 22 the collection of a tax bill. 23 Q. Was that the beginning efforts of 24 creating that protocol that you were referring to 25 earlier?</p>

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1 council to come to the same conclusions predicated
2 on what I was telling them or what I was seeing
3 occur.
4 Q. And she goes on in the next sentence
5 and says: Harassing another person by walking by
6 their office and standing there and staring at
7 them, then walking backwards to repeat staring is
8 very bizarre behavior.
9 Who -- who was she making reference to?
10 A. Well, I don't know how she decided to
11 write that. I would probably assume, and it's
12 terrible to do this, that she had conversations
13 with Maria Walls.
14 Q. And the person that she was talking
15 about doing the harassing by staring was Jim
16 Beckert?
17 A. Yes. That's --
18 MR. J. ANDERSON: Object to the form.
19 THE WITNESS: -- how I interpret this.
20 BY MR. CROSBY:
21 Q. And you would concur with her that that
22 type of behaviors, staring and what she's outlining
23 here, is both bizarre and harassing in nature?
24 MR. J. ANDERSON: Objection.
25 MR. JJ ANDERSON: Object to the form.

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1 It's leading.
2 THE WITNESS: Well, you don't have to
3 lead me to my conclusions. I will tell you that in
4 the normal course of doing business, some of the
5 behaviors of Mr. Beckert were not normal business
6 procedures or strategies or behavior.
7 BY MR. CROSBY:
8 Q. Do you concur with Ms. --
9 A. In my opinion.
10 Q. Okay. Do you concur with Ms. Bensch's
11 assessment that his interactions, and if it's
12 referring to Ms. Walls, rose to the level of a
13 harassment?
14 A. Yes.
15 MR. J. ANDERSON: Objection.
16 MR. BUYCK: Same objection.
17 BY MR. CROSBY:
18 Q. And then she goes on, she says: Is
19 there anyone with authority to speak with him about
20 limits of acceptable behavior?
21 Did you ever respond to her question,
22 either in person or in writing?
23 A. I don't know if I responded direct -- I
24 think I -- I might have responded to county council
25 collectively. I don't think I responded to Cynthia

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1 Bennett's directly on point. My position was as
2 county administrator, I served at the pleasure of
3 county council that my duties and responsibilities
4 were defined by county council, that -- I think I
5 told council I have no statutory ability to go to
6 an elected official and instruct an elected
7 official as to how they should conduct their office
8 or level of operation.
9 I basically did have conversations with
10 Mr. Beckert that, you know, arguing and being
11 aggressive with individuals doesn't achieve
12 anything, that normal disagreement is appropriate.
13 Anybody can have an idea about anything. There is
14 differences of opinions almost all the way down the
15 chain of command. But ultimately, you know, you
16 come to some resolution. And that was very
17 difficult with Mr. Beckert.
18 Q. Did you ever observe that he made any
19 changes in his behavior toward others as a result
20 of your advice?
21 A. I don't know if he changed his behavior
22 to become less aggressive. I think he maintained
23 his persona all the way through. I don't -- I
24 don't think he ever changed any -- he -- he just
25 acted that way. That was his method of operation

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1 in terms of his personality and being aggressive.
2 Q. Was this -- Mr. Beckert's harassing
3 nature of his behavior, was that ever brought to
4 the attention of the council?
5 MR. J. ANDERSON: Object to the form.
6 MR. BUYCK: Same objection.
7 THE WITNESS: Are you asking me if I
8 ever brought to the attention of council his
9 aggressive behavior?
10 BY MR. CROSBY:
11 Q. Yes.
12 A. I'm not sure I used the word
13 aggressive. I think I told council several times
14 that Mr. Beckert clearly was argumentative,
15 disruptive, unwilling to at least listen to a
16 contrary point of view. And I don't know if I
17 should be -- well, in -- in his -- in this letter,
18 he refers to the department of revenue. I'm going
19 to expand my answer to say that I reached out to
20 the department of revenue to ask them for
21 assistance, and they basically had a difficult time
22 with Mr. Beckert as well, to the point where it's
23 my interpretation that they didn't want to get
24 involved with him either.
25 Q. And Ms. Bensch goes on to write that

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<p style="text-align: right;">Page 54</p> <p>1 his obsession with control and authority has to 2 obviously affect office morale and performance in 3 many departments, and says: I know you're very 4 concerned. 5 Was she correct that you were concerned 6 about Mr. Beckert's affect on the morale and 7 performance of the various county departments that 8 were under your control? 9 A. Yes. 10 Q. And that goes back to what you talked 11 about earlier? 12 A. It goes back to Monica Spells, several 13 of my staff members, Dave Thomas in purchasing, 14 Alicia, Maria Walls. You know, it -- it -- it's 15 without question that Mr. Beckert was a disruptive 16 force generally. 17 Q. The -- did Maria Walls relay to you 18 other concerns she had with Mr. Beckert's behavior 19 toward her other than the staring through her 20 window? 21 A. Yes. Maria on several occasions told 22 me that she was afraid. She also shared with me a 23 notebook of various things that Mr. Beckert was 24 doing in terms of affecting her department, tape 25 recording her. And she gave me a copy of that</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did -- after you carried the concerns 2 Ms. Walls raised to council, were there ever any 3 solutions proposed by council on how to alleviate 4 these concerns that she had raised to you? 5 A. It was my impression that council felt 6 that having them both present at their committee 7 meetings or allowing each of them separately or 8 collectively to address council from the podium 9 about their concerns on a matter in dispute, which 10 they permitted. 11 I do believe that I advised 12 Mr. Sommerville and Mr. Stewart of my concerns 13 regarding the inability of both parties to resolve 14 their differences so that there could be a 15 collective positive outcome in the responsibilities 16 of each at the department, because what's unique 17 about these two departments is they're independent, 18 but their product is -- is a combination of -- 19 of -- of both efforts. 20 And then the third component is the IT, 21 which is the software processing to actually create 22 the tax rolls which then go towards the final 23 product in printing the bills. 24 So, yeah, they were aware, and I think 25 the heightened awareness of it was the tax bills.</p>
<p style="text-align: right;">Page 55</p> <p>1 notebook I think with the hope that I would be able 2 to somehow correct the situation. The problem for 3 me was I was the county administrator, and I have 4 11 bosses, and besides going to the department of 5 revenue and county council, there is not much else 6 I could possibly do. I couldn't dismiss him or get 7 him out of office. He was an elected official. 8 Q. Did you go to council with the -- those 9 concerns that -- about Ms. Walls's that she had 10 expressed to you? 11 A. Yes. The procedure that I employ with 12 council, because there are 11, is that I first 13 advise, which I did, my concerns to county chairman 14 and the vice chair, and I think it was at the time 15 Paul Sommerville and Jerry Stewart. As a matter of 16 fact, the protocol -- written protocol on how to 17 get a tax bill was an example of that concern. I 18 think I addressed in several of the meetings, 19 particularly I think finance, that we were having 20 difficulties with the auditor in general. 21 And I think there were times where the 22 auditor and treasurer in those meetings were 23 present, and they both spoke to it, and it was 24 clear from their comments that -- that it was very 25 difficult for them to cooperate with each other.</p>	<p style="text-align: right;">Page 57</p> <p>1 I mean, there were disputes on language, there were 2 disputes on timeliness. And I wasn't the only one 3 that called the department of revenue. Mr. Beckert 4 called them countless times trying to get them to 5 see his way. 6 Q. And what you learned from your 7 conversations with the department of revenue was 8 that Mr. Beckert's interpretation of the laws was 9 inaccurate? 10 A. Yes. And I think a few times with the 11 extensions -- you know, they were -- they were 12 granting us extensions to push the date to produce 13 the bills back a month or so. But they were keenly 14 aware of Mr. Beckert. 15 Q. And when you were talking -- mentioned 16 earlier about Ms. Walls's concerns for her safety, 17 you were talking about her physical safety? 18 A. Yes. 19 MR. J. ANDERSON: Object to the form. 20 BY MR. CROSBY: 21 Q. And she expressed that to you? 22 A. Yes. More than one occasion. 23 Q. Was council aware that you had locked 24 Mr. Beckert out of your end of the building? 25 A. I'm not sure. I'm certain that</p>

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<p style="text-align: right;">Page 62</p> <p>1 elected officials, it's also for the new hires to</p> <p>2 understand what their responsibilities are to the</p> <p>3 taxpayer of Beaufort County.</p> <p>4 Q. Right. This is the exact same handbook</p> <p>5 that your staff would sign?</p> <p>6 A. Yes.</p> <p>7 Q. And it sets forth the expectations with</p> <p>8 regard to the -- how you expect county employees</p> <p>9 and those that sign off on this to act in the</p> <p>10 workplace? It has --</p> <p>11 MR. J. ANDERSON: Objection.</p> <p>12 MR. BUYCK: Note my objection.</p> <p>13 BY MR. CROSBY:</p> <p>14 Q. -- certain -- certain forbidden --</p> <p>15 or behaviors that are set forth in this?</p> <p>16 MR. BUYCK: Same objection.</p> <p>17 MR. J. ANDERSON: Me too.</p> <p>18 THE WITNESS: It -- it's a -- it's a</p> <p>19 personnel handbook that offers the elected official</p> <p>20 the hiring authority and the employee hired by the</p> <p>21 hiring authority to know in writing what the</p> <p>22 expectations would be for each side. And so for</p> <p>23 clarity, and also I think to protect the county</p> <p>24 overall from random or haphazard claims by</p> <p>25 employees against the county, if they did not</p>	<p style="text-align: right;">Page 64</p> <p>1 fellow human being.</p> <p>2 And then it says: The county does not</p> <p>3 tolerate harassment of any kind and strictly</p> <p>4 forbids retaliation against anyone who has reported</p> <p>5 harassment in good faith.</p> <p>6 A. Yes. That's what it says.</p> <p>7 Q. And basically it's -- what we've talked</p> <p>8 about earlier, your efforts that we've talked about</p> <p>9 to protect your staff and your employees from some</p> <p>10 of Mr. Beckert's conduct were in effort to provide</p> <p>11 the working anti -- harassment-free environment to</p> <p>12 your employees?</p> <p>13 A. That's correct. That's just sound --</p> <p>14 sound management.</p> <p>15 Q. Because what -- what Mr. Beckert's</p> <p>16 conduct, as you observed, would -- rose to the</p> <p>17 level of what one would describe as harassment</p> <p>18 within this definition?</p> <p>19 MR. J. ANDERSON: Objection.</p> <p>20 THE WITNESS: Are you asking me whether</p> <p>21 or not Mr. Beckert violated this provision as</p> <p>22 written in the employee handbook?</p> <p>23 BY MR. CROSBY:</p> <p>24 Q. That's another way of saying it.</p> <p>25 A. I would have to say I agree with that</p>
<p style="text-align: right;">Page 63</p> <p>1 follow the handbook, then they have no real</p> <p>2 position to argue.</p> <p>3 BY MR. CROSBY:</p> <p>4 Q. And --</p> <p>5 A. So, if they violated procedure, we had</p> <p>6 the ability to process them through the conditions</p> <p>7 and the grievance procedures defined in this book.</p> <p>8 Q. And one of the purposes of the -- some</p> <p>9 of the language in the handbook is to provide a</p> <p>10 good working environment by prohibiting such things</p> <p>11 as sexual harassment?</p> <p>12 A. Yes.</p> <p>13 Q. That's something that was strictly</p> <p>14 forbidden by the county?</p> <p>15 A. Appropriate behavior.</p> <p>16 Q. If we look at Page 6 at Paragraph 1.3,</p> <p>17 it has an anti-harassment policy set forth there.</p> <p>18 A. Page 6, 1.3, yes.</p> <p>19 Q. And in the second sentence, it says:</p> <p>20 In addition to county endeavors to provide a</p> <p>21 working environment in which employees are free</p> <p>22 from discomfort or pressure resulting from jokes,</p> <p>23 ridicule, slurs, gossip, threats, bullying,</p> <p>24 harassment whether relating to such distinctions or</p> <p>25 simply resulting from a lack of consideration for a</p>	<p style="text-align: right;">Page 65</p> <p>1 assessment.</p> <p>2 Q. And what you did to the best of your</p> <p>3 ability was try to protect the county's employees</p> <p>4 from that type of environment?</p> <p>5 A. Yes.</p> <p>6 Q. And you actually tried to -- in some</p> <p>7 respects to -- to help protect Maria Walls from</p> <p>8 that conduct by putting up the cameras and taking</p> <p>9 the concerns to county council?</p> <p>10 A. Yes.</p> <p>11 MR. J. ANDERSON: Objection.</p> <p>12 BY MR. CROSBY:</p> <p>13 Q. Go over to page -- let me -- let me ask</p> <p>14 something before this. There is always this issue</p> <p>15 about Jim Beckert that seems to permeate, and that</p> <p>16 is that no one could do anything about him because</p> <p>17 he was an elected official. That was -- and you</p> <p>18 and I have talked about that, that you didn't have</p> <p>19 statutory authority to control an elected official,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. The office of the auditor and the</p> <p>23 treasurer are in county-owned property?</p> <p>24 A. Beg your pardon?</p> <p>25 Q. The offices of both the treasurer and</p>

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<p style="text-align: right;">Page 118</p> <p>1 Could you -- could you be a little more clear on --</p> <p>2 on what you meant by aggressive?</p> <p>3 A. Manner of speech, his countenance in</p> <p>4 terms of sitting in a meeting and having</p> <p>5 Mr. Beckert stare at you with intensity, those</p> <p>6 types of observations is what I meant by a</p> <p>7 nontypical office type behavior.</p> <p>8 Q. Okay. So staring at you -- and I don't</p> <p>9 want to put words in your mouth, but I don't -- you</p> <p>10 know, we're trying -- is it -- would he be more</p> <p>11 curt? Would he be -- would he scream at you? I</p> <p>12 mean, what -- what's -- what does aggressive mean</p> <p>13 when you say manner of speech?</p> <p>14 A. You can take a look at the -- all the</p> <p>15 committee meetings are on videotape.</p> <p>16 Q. Uh-huh.</p> <p>17 A. There were occasions where Mr. Beckert</p> <p>18 would get aggressive and argumentative. So I can</p> <p>19 recall distinctly a meeting that I tried to</p> <p>20 create -- I think David Cadd, his assistant,</p> <p>21 Mr. Beckert, Maria, myself, and maybe a couple of</p> <p>22 other people -- to try to resolve issues, and I</p> <p>23 didn't anticipate that it would generate anger by</p> <p>24 having those two present in one room, but it -- it</p> <p>25 did.</p>	<p style="text-align: right;">Page 120</p> <p>1 assessor's office, I also think in the legal</p> <p>2 division, I think in the tax equalization board, I</p> <p>3 think all of the treasurer's employees, so there</p> <p>4 were quite a few. But in the literal sense, I used</p> <p>5 the word everybody, but obviously it's not</p> <p>6 everybody.</p> <p>7 Q. Okay. I'm going to ask -- I'm going to</p> <p>8 do this annoying thing that I just did with</p> <p>9 aggressive. Can you explain to me exactly what you</p> <p>10 mean by the word harassment or harassed?</p> <p>11 A. Well, in his manner of speech towards</p> <p>12 people, we're having a conversation, we probably</p> <p>13 are on different sides of the argument, but I'm not</p> <p>14 angry at you. But his communication style and how</p> <p>15 he verbally related items was not a normal</p> <p>16 conversation that would reflect a mere difference</p> <p>17 of opinion.</p> <p>18 Q. Uh-huh.</p> <p>19 A. His method of expression was: It's my</p> <p>20 way, and I determine that way, and you have no</p> <p>21 right to suggest anything different.</p> <p>22 Q. Okay. And is that -- is that your</p> <p>23 definition of harassment is him being</p> <p>24 territorial -- I'll use that word --</p> <p>25 A. It -- it --</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Would an appropriate synonym for your</p> <p>2 use of aggressive be passionate?</p> <p>3 A. Passionate is an interesting word that</p> <p>4 I would not use to describe Mr. Beckert's behavior,</p> <p>5 because there were times where it appeared to me</p> <p>6 that he was just angry, and I don't believe if</p> <p>7 you're -- if you're passionate that you're angry.</p> <p>8 And --</p> <p>9 Q. Okay. So your interpretation of --</p> <p>10 A. I interpreted his actions as being</p> <p>11 overly aggressive in trying to present his point of</p> <p>12 view vigorously, almost as if he felt that</p> <p>13 everybody in the room was against him.</p> <p>14 Q. Uh-huh. You mentioned that I think</p> <p>15 you -- I think these are your exact words, that he</p> <p>16 harassed everybody?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Do mean that literally?</p> <p>19 A. Yeah. I do mean it literally. I</p> <p>20 don't --</p> <p>21 Q. Janitorial staff?</p> <p>22 A. No. I don't think janitorial staff. I</p> <p>23 mean, basically all my employees on my side.</p> <p>24 Q. Uh-huh. And --</p> <p>25 A. And then I -- and I think in the</p>	<p style="text-align: right;">Page 121</p> <p>1 MR. CROSBY: Object to the form.</p> <p>2 BY MR. J. ANDERSON:</p> <p>3 Q. -- over items?</p> <p>4 A. It could be, yes.</p> <p>5 Q. Okay. So --</p> <p>6 A. Now, you can ask the female employees</p> <p>7 directly what they thought. I wasn't there, and I</p> <p>8 can't offer an opinion. But in the --</p> <p>9 Q. Sure. And like --</p> <p>10 A. -- time -- in the conversations that I</p> <p>11 had or in the meetings I attended --</p> <p>12 Q. Uh-huh.</p> <p>13 A. -- that was my observation, that he was</p> <p>14 very aggressive, and that aggressive approach can</p> <p>15 be interpreted as harassment because clearly he</p> <p>16 didn't want to hear any other point of view.</p> <p>17 Q. Okay. So when you equal his -- so, in</p> <p>18 an attempt to summarize here: Him arguing for his</p> <p>19 points in an aggressive manner is what you're</p> <p>20 stating harassment to be?</p> <p>21 MR. CROSBY: Object to the form.</p> <p>22 BY MR. J. ANDERSON:</p> <p>23 Q. Is -- is that -- I mean --</p> <p>24 A. That's --</p> <p>25 Q. Correct me if I'm wrong, please.</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. That's -- that's part of it. I</p> <p>2 observed Mr. -- I -- I was at a meeting -- at a</p> <p>3 public -- public meeting where Maria was speaking,</p> <p>4 and, you know, Jim was openly filming her.</p> <p>5 Q. Uh-huh.</p> <p>6 A. And I thought to myself when I saw</p> <p>7 that, you know: What's going on? So my</p> <p>8 interpretation of that action was he was trying to</p> <p>9 intimidate her while she was speaking to the</p> <p>10 general public. And he did that on several</p> <p>11 meetings where I attended, you know. So I just</p> <p>12 thought that's not necessary.</p> <p>13 Q. Did you -- did you know that he was</p> <p>14 filming her or was --</p> <p>15 A. Yeah.</p> <p>16 Q. -- was that your interpretation?</p> <p>17 A. No. Here.</p> <p>18 Q. Okay. All right. So --</p> <p>19 A. Hold up the phone --</p> <p>20 Q. He had a phone held up. Okay.</p> <p>21 A. -- directly at her face --</p> <p>22 Q. Uh-huh.</p> <p>23 A. -- filming. And I think there are</p> <p>24 pictures of him doing that.</p> <p>25 Q. Uh-huh. All right.</p>	<p style="text-align: right;">Page 124</p> <p>1 action is taken.</p> <p>2 Q. Okay. Did management ever conclude</p> <p>3 that a complaint of harassment has merit against</p> <p>4 Mr. Beckert during your tenure there? I</p> <p>5 understand --</p> <p>6 A. Are you indicating that I was the</p> <p>7 manager of --</p> <p>8 Q. I'm not --</p> <p>9 A. -- an elected official?</p> <p>10 Q. I'm not making a management question at</p> <p>11 all here, sir. I'm not indicating that you are the</p> <p>12 management. I'm -- I'm asking if this -- in this</p> <p>13 process -- you know, whatever management is defined</p> <p>14 as is in this process.</p> <p>15 A. Well, I guess my definition of</p> <p>16 management in this section doesn't apply to county</p> <p>17 council directors or administrator that I manage an</p> <p>18 elected official.</p> <p>19 Q. Uh-huh.</p> <p>20 A. I don't think that was the intent of</p> <p>21 that. I think it was the intent of that language</p> <p>22 that department heads who are in charge of</p> <p>23 employees are the management that is referred to in</p> <p>24 that sentence. And when they see it, they have an</p> <p>25 avenue to report it. But I don't think I have the</p>
<p style="text-align: right;">Page 123</p> <p>1 A. So...</p> <p>2 Q. Mr. Crosby asked you about -- in</p> <p>3 Exhibit 1 here, it's the personnel handbook.</p> <p>4 A. Yes.</p> <p>5 Q. You went to Page 8, and you talked</p> <p>6 about 1.6, corrective action.</p> <p>7 A. Page 8. Okay. I'm getting there. I'm</p> <p>8 with you.</p> <p>9 Q. Now, you two spoke about the last two</p> <p>10 sentences within that paragraph. Would you read</p> <p>11 the first sentence of that --</p> <p>12 A. Did you say 1-6?</p> <p>13 Q. I did, 1.6.</p> <p>14 A. Okay. The last two sentences?</p> <p>15 Q. You two spoke about the last two</p> <p>16 sentences: Employees may be disciplined.</p> <p>17 Non-employees -- him asking a series of questions</p> <p>18 about what --</p> <p>19 A. Okay.</p> <p>20 Q. -- non-employees are.</p> <p>21 A. In the first paragraph?</p> <p>22 Q. Uh-huh. Yeah. That's right. Would</p> <p>23 you mind reading the first sentence?</p> <p>24 A. If management concludes that a</p> <p>25 complaint of harassment has merit, appropriate</p>	<p style="text-align: right;">Page 125</p> <p>1 management right to offer harassment charges</p> <p>2 against an elected official.</p> <p>3 Q. I -- I understand your position.</p> <p>4 And -- and while I appreciate it, I think my</p> <p>5 question was a little bit different. Whoever the</p> <p>6 management -- this -- this 1.6 says: If management</p> <p>7 concludes -- and we can put aside who management is</p> <p>8 at this point -- whether it be a -- whether it be a</p> <p>9 board, whether it be the county council, whoever it</p> <p>10 could be. Right? This is not -- or the</p> <p>11 administrator, that's not -- but if that management</p> <p>12 concludes that a complaint of harassment has merit,</p> <p>13 all right, appropriate action is taken. Is that</p> <p>14 not what that says -- I mean, is that what that</p> <p>15 says? My apologies.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did anyone conclude that a</p> <p>18 complaint of harassment against Mr. Beckert had</p> <p>19 merit? Anybody.</p> <p>20 A. Well, I didn't come to the conclusion</p> <p>21 in the legal sense that his actions against a</p> <p>22 fellow or another employee had merit in the sense</p> <p>23 that you're referring to it. But it is my definite</p> <p>24 opinion predicated on what I witnessed and what I</p> <p>25 saw in terms of how Mr. Beckert treated others, not</p>

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April 7, 2021

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1 only his employees, but other employees throughout
2 the county, I would interpret those actions towards
3 those employees that he was harassing them. His
4 anger, his -- the method, the way he talked to them
5 clearly did not comport with what would be
6 considered reasonable and appropriate conduct in a
7 workplace.

8 Q. And you -- but once again, as you
9 stated before, you're not asked to -- to rule on
10 that?

11 A. No.

12 Q. Okay. And would it have been
13 appropriate for you to ever rule on that --

14 A. No.

15 Q. -- in your position as administrator?

16 A. There is no statutory authority that I
17 ever became aware of that gave me that capability.

18 Q. Okay. During -- during your tenure
19 there, did anyone -- are you aware of anyone
20 gossiping about Mr. Beckert?

21 A. Gossiping?

22 Q. Yes, sir.

23 A. I'm not sure what you mean about
24 gossiping. If you're -- if you're meaning were
25 they talking about Mr. Beckert with -- outside of

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1 his presence?

2 Q. How do you interpret -- I mean, how do
3 you interpret the term gossip?

4 A. I interpret it as two individuals
5 sitting at a bar having a few drinks, discussing
6 how somebody treated somebody else. That's how I
7 interpret gossiping.

8 Q. Okay. So hopefully --

9 A. To me gossip has no meaning whatsoever.
10 People gossip all the time.

11 Q. It's a term used in the county employee
12 handbook, though --

13 A. Okay.

14 Q. -- is it not?

15 A. I don't know. If it is there, it's
16 there. I don't --

17 Q. Okay. So we'll go to 1.3, the
18 anti-harassment policy.

19 A. Okay.

20 Q. I believe it's the second sentence.
21 I'll give you a second to read that. I think it
22 starts with in addition.

23 A. Yes, sir.

24 Q. I'll give you a second to read that.

25 A. Okay.

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1 Q. How do you interpret gossip in this
2 context?

3 A. How do I interpret gossip in that
4 context? Well, I guess when -- you know, I guess
5 I'll refer -- I'll give you this answer, which may
6 seem kind of odd: There is a movie called -- it's
7 about a Catholic priest, and he in a sermon
8 describes that a woman came to him and she felt she
9 had sinned because she gossiped about another
10 party, and he told her to go on the rooftop with a
11 knife and a pillow and open the pillow. And so she
12 did, and she reported back to the priest: Father,
13 I did what you asked me.

14 And he said, well, now I want you to go
15 and pick up the feathers.

16 And she said, how can I do that?
17 They're everywhere.

18 And he said, that's gossip.
19 Which I found was a pretty profound way
20 of describing what gossip actually is.

21 Q. So releasing things -- releasing
22 statements into the world which you have no ability
23 to capture back?

24 A. Yes.

25 Q. Do you feel like that happened with --

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1 did anyone ever release statements into the world
2 that they had no ability to capture back about Jim
3 Berkert?

4 A. I'll answer it this way: The Island
5 Packet quoted me several times in meetings that I
6 didn't attend. That's just part of the process.
7 Especially with people in the public, they like
8 what you wear, they don't like what you say. You
9 are open game to anyone if you are a public
10 employee or an elected official.

11 Q. Did any of your employees gossip in the
12 term that you've -- about Mr. Beckert?

13 A. They could have. I don't know.

14 Q. Okay. So you don't -- you don't know
15 if any of your employees did. Did any of your
16 employees use slurs against Mr. Beckert like, I
17 don't know, creepy?

18 A. Yeah. They used word the creepy --

19 Q. Okay.

20 A. -- made me uncomfortable.

21 Q. Okay.

22 A. Yeah. The -- the black employee --
23 female employees who came into my office felt that
24 he was using David Cadd to look over their shoulder
25 to find errors in their performance so that he

33 (Pages 126 - 129)

In the Matter of:

ALICIA HOLLAND

VS.

**BEAUFORT COUNTY, and JAMES BECKERT,
Individually, and in his official capacity**

Ebony Sanders

September 28, 2021



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